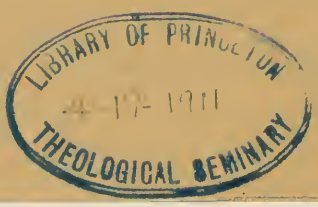

BX 9211 .W5 W47 1875
Presbyterian Church in
Westfield, N.J.
Westfield Presbyterian
Church minority against th

Synod of New Jersey.

WESTFIELD PRESBYTERIAN CHURCH MINORITY

AGAINST

THE PRESBYTERY OF ELIZABETH.

APPEAL.

Case Prepared by Minority, Appellants.

NEW YORK:
BROWN & HEWITT, PRINTERS, 9 SPRUCE STREET.
1875.

ERRATA.

Page 10, *note:* Whole number of elders should be ten.

Page 15, folio 4, line 3: Read *seconded*, instead of "recorded."

Page 21, *note:* * refers to Exhibit E, appendix.

Page 34, folio 1, line 1: Read *third*, instead of "second." The second petition is found on page 125, Exhibit W.

Page 35, *note:* Exhibit U should be Exhibit W.

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INTRODUCTORY REMARKS.

THE following case is arranged in three parts, viz.:

Part First, from page one to page twenty-five, is introductory, and contains a history of the case from its origin to the time when a second appeal was taken from the action of the Presbytery of Elizabeth.

Part Second, from page twenty-five to page forty-nine, is the basis of the present application for relief.

Part Third, from page forty-nine to the end, is the Appendix, containing papers referred to in the first and second parts, but not previously recited.

The case has been printed by the Appellants for the convenience of those who may sit in its review in the higher judicatories of the Presbyterian Church.

In the arrangement of the case for the printers, the suggestions of clergymen who have had experience in conducting other cases of the kind have been relied on. Exhibits Z and ZZ, pages 129 and 130, in the Appendix, indicate the fact that the preparation of the case thus early, was because of the purpose of the Appellants to go to the General Assembly this

present month of May. The Presbytery of Elizabeth, however, declined to consent, as the latter Exhibit referred to shows.

One further observation, as prefatory to this case, is due to Appellants, the Minority of the Westfield Presbyterian Church: Every paper of importance in the case on their part, and every important step taken in the conduct of the case, has first been the subject of consultation and advice with discreet and experienced clergymen of our own or other Presbyteries; and there is no act of the Minority in this entire matter that has not had the sanction of such advisers in advance.

CHAUNCEY B. RIPLEY,
FREDERICK A. KINCH,
JOHN T. LAWRENCE,
JAMES O. CLARK,
On behalf of the Minority.

WESTFIELD, N. J., May, 1875.

Case on Appeal.

IN THE MATTER OF THE CALLING AND INSTALLING OF REV. ALEXANDER McKELVEY OVER THE PRESBYTERIAN CHURCH AT WESTFIELD, NEW JERSEY. APPEAL OF THE MINORITY OF CHURCH AND CONGREGATION.

Statement of Case, with Record of Action of Church Judicatories.

This matter came before the Synod of New Jersey at their last annual session in Camden, October, 1874.

In the "Minutes of the Synod of New Jersey," published by order of the Synod under the direction of the Stated Clerk, date of Wednesday, October 21, 1874, appears the following:

"The Appeal and Complaint of the Rev. S. S. Shed-
"dan, D. D. and others, against the action of the
"Presbytery of Elizabeth in the Westfield Church case
"was presented and referred to the Judicial Com-
"mittee."

The Appeal and Complaint of Chauncey B. Ripley and F. A. Kinch, M.D., on behalf of themselves and others, a minority of the church and congregation of the Presbyterian Church at Westfield, also against the action of the Presbytery of Elizabeth, was presented and referred to the Judicial Committee.

These two cases were before the Judicial Committee at the same time, and were considered together as "relating to the same general matter."

1 The Appeal and Complaint of Rev. S. S. Sheddan, D. D. and others was designated by the Judicial Committtee as Judicial Case No. 2, and found to be in order "*as a complaint.*"

The Appeal and Complaint of Chauncey B. Ripley and Dr. F. A. Kinch was designated by the Judicial Committee as Judicial Case No. 3, and "*found to be in the form of an appeal.*"

The Judicial Committee so reported. The following is an extract of the published Minutes of the Stated
2 Clerk of Synod :

EXTRACT OF MINUTES OF THURSDAY, OCTOBER 22, 1874.

"The Judicial Committee reported Judicial Case No. "2, the Appeal and Complaint of the Rev. S. S. Shed- "dan, D. D. and others, members of the Presbytery "of Elizabeth, against the action of said Presbytery at "a meeting held June 27th, 1874.

3 "The Committee reported the case to be in order *as* "*a Complaint*, and recommended that Synod proceed to "issue it as such in the following manner, viz. :

"1. That the Complaint be read as setting forth the "action complained of, together with the reasons of "the complainants.

"2. That the Proceedings of the Presbytery relating "to the case be read.

"3. That the original parties be heard.

4 "4. That the Roll of Synod be called, and an oppor- "tunity be given to each member of Synod to express "his opinion on the case.

"5. That the final vote be taken whether to sustain "or not sustain the complaint.

"The Committee further reported that a paper re-
"ferred to them (Judicial Case No. 3), relating to the
"same general matter, they found to be in the form of
"an Appeal by Chauncey B. Ripley and F. A. Kinch [1]
"in behalf of themselves and others, a minority of the
"congregation of Westfield. These persons appealed
"from the rulings, decisions, resolutions, and proceed-
"ings of the Presbytery of Elizabeth, at a meeting held
"July 7th, 1874, and set forth their reasons in due form,
"accompanying the same with voluminous documents
"which the Committtee had read and considered. The
"Committee recommended—

"1. That so much as constitutes the appeal, viz., pages [2]
"one to four, inclusive, be read before Synod as setting
"forth the action of the Presbytery and the reasons of
"the parties thereby aggrieved.

"2. That the proceedings of the Presbytery relating
"to the case be read.

"3. That the original parties, Chauncey B. Ripley
"and F. A. Kinch, for themselves and others, and the
"Presbytery of Elizabeth, be heard.

"4. The original parties having been heard and with-
"drawn, that the roll of Synod be called, and an oppor- [3]
"tunity given to each member to express his opinion
"on the case.

"5. That the final vote be taken whether to sustain
"or not sustain the appeal.

"The recommendations of the Committee were
"adopted.

"*Resolved*, That the hearing of these judicial cases be
"the *second* order of the day for the afternoon session.

"The *second* order of the day, which was the com- [4]
"plaint of Rev. S. S. Sheddan, D. D., and others, *vs.*
"the Presbytery of Elizabeth, was taken up.

"The Moderator solemnly announced from the chair
"that the Synod was about to pass to the consideration

" of Judicial business, and enjoined upon the members
" to recollect and regard their high character as judges
" of a high court of Jesus Christ, and the solemn duty
1 " in which they were about to act. The consideration
" of the case was then proceeded with in the following
" order :

" 1. The complaint of Rev. S. S. Sheddan, D. D., and
" others, against the action of the Presbytery of Eliza-
" beth was read.

" 2. The record of the proceedings of the Presbytery
" relating to the case was read.

" 3. The original parties were then heard until the
2 " hour for recess.

" After the recess :

" 4. The consideration of the judicial case was re-
" sumed, and the committee appointed to defend the ac-
" tion of the Presbytery of Elizabeth was fully heard.
" The members of the inferior judicatory were also heard
" in explanation of the grounds of their decision.

" 5. The calling of the roll to give each member of
3 " Synod an opportunity to express his opinion on the
" case was commenced, pending which the Synod ad-
" journed until Friday morning at 8½ o'clock."

Extract of Minutes of Friday, October 23, 1874.

" The unfinished business, which was the considera-
" tion of the complaint of Rev. S. S. Sheddan, D. D.
" and others, against the Presbytery of Elizabeth, was
" taken up. The calling of the roll to give members
4 " of Synod an opportunity to express their opinion in
" the case, was continued and completed.

" 7. The final vote was then taken, and the com-
" plaint was sustained.

" Members voting *to sustain* the complaint, - - - 58
" Members voting *not to sustain* the complaint, - - 17

" Rev. E. R. Craven, D. D., Rev. S. M. Hamill, D. D. 1
" and Rev. Samuel Miller, D. D., were appointed a com-
" mittee to bring in a minute for the adoption of the
" judicatory, setting forth its decision and the grounds
" thereof.

" The Appeal of C. B. Ripley, F. A. Kinch, and oth-
" ers, against the action and decisions of the Presbytery
" of Elizabeth was then taken up.

" The Moderator enjoined upon the members of
" Synod to 'recollect and regard their high character as
" judges,' etc. 2

" 1. The papers setting forth the action of the Pres-
" bytery of Elizabeth and the grievances of the com-
" plainants were read.

" 2. The record of the proceedings of the Presbytery
" relating to the case were read.

" 3. Members of the Judicatory who had been re-
" quested by the appellants to aid them in conducting
" their case were then heard, until the hour for devo-
" tional exercises had come. After prayer by Dr. Miller, 3
" it was

" *Resolved*, That the order in regard to devotional ex-
" ercises be suspended, and the consideration of the
" judicial case be continued for half an hour.

" At this stage of the proceedings, it being understood
" that the committee appointed to bring in a minute re-
" lating to the complaint of Dr. Sheddan and others,
" was prepared to make a report which, if adopted by
" the Synod, might supersede the necessity of further 4
" prosecuting the judicial case then pending, it was

" *Resolved*, That the prosecution of the appeal of C. B.
" Ripley and others be arrested.

"The committee appointed to bring in a minute to
"be adopted by the Judicatory setting forth its decision
"and the grounds thereof in the case of the complaint
1 "of Dr. Sheddan and others, presented their report,
"which was accepted.

"The appellants in the case of C. B. Ripley and oth-
"ers, which related to the same matters of which Dr.
"Sheddan had complained, expressed their assent to this
"report as meeting their wishes in the matter, where-
"upon the report was adopted,* and is as follows:

"The Synod sustains the Complaint† and the Ap-
"peal,‡ the force of this judgment being not to reverse
"the action of the Presbytery of Elizabeth, and declare
2 "the proceedings void, but the Synod judge that the
"Presbytery was irregular and unduly hasty in its ac-
"tion in the matter of the installation of the Rev. Mr.
"McKelvey, and in disregarding the rights and priv-
"ileges of the minority of the congregation of Westfield,
"and also the opinion of the minority of the Presbytery.

"In view of all the facts the Synod directs the Pres-
"bytery of Elizabeth to reconsider their action in the
"whole matter, and after giving a full hearing to the
"majority and minority of the congregation of West-
3 "field, to determine whether the pastoral relation of the
"Rev. Mr. McKelvey to the church and congregation of
"Westfield shall be continued or dissolved."

The Judicial Cases Nos. 2 and 3, to wit, the *Complaint* of Rev. Dr. Sheddan and others, and the *Appeal* of Chauncey B. Ripley, Dr. F. A. Kinch and others, are to some extent inseparably connected. They were so regarded by the parties prosecuting them, and the Judicial Committee took the same view. The Synod also
4 recognized the fact.

---

* Unanimously adopted.

† Complaint of Rev. S. S. Sheddan, D. D. and others.

‡ Appeal of Chauncey B. Ripley, Dr. F. A. Kinch and others.

As introductory therefore to Judicial Case No. 3, the case now especially under consideration, and for the reasons above suggested, we here state the case of Dr. Sheddan,* Judicial Case No. 2, in full. 1

[Here follow the papers read before the Synod (in Judicial Case No. 2, the Complaint of Rev. S. S. Sheddan, D. D., against the Presbytery of Elizabeth) in the order in which they were read, as directed by the Judicial Committee of Synod.]

First, the Clerk of Synod read the complaint, as follows : 2

APPEAL AND COMPLAINT

OF

REV. S. S. SHEDDAN AND OTHERS, MEMBERS OF THE PRESBYTERY OF ELIZABETH, TO THE SYNOD OF NEW JERSEY, FROM THE ACTION OF THE PRESBYTERY OF ELIZABETH, AT A MEETING OF SAID PRESBYTERY, HELD JULY 27TH, 1874, IN THE FIRST PRESBYTERIAN CHURCH OF WESTFIELD, N. J. 3

Your complainants, pursuant to a notice given during the session of said Presbytery, do appeal from and complain of the action of said Presbytery on the following grounds :

* The minority of the Church and congregation of Westfield filed no Complaint and Appeal against the action of the Presbytery of Elizabeth, July 27th, 1874, under the advice and at the suggestion of Rev. Dr. Sheddan, he regarding his own Complaint and Appeal as covering all points and protecting all interests of the minority of the Church and congregation, as well as those of the minority of the Presbytery. 4

1. That the Moderator ruled as out of order a question of privilege as to the *legality of this meeting*—raised under Article 15, Section 3, Chapter 7, Book 2, of the
1 Confession of Faith.

2. That the decision of the Presbytery, refusing by a vote of 15 to 14 to grant a *stay of proceedings*, based on the ground of an appeal and complaint having been made by a large minority of the congregation of the Presbyterian Church of Westfield, from the action of the Presbytery at its meeting, July 7, 1874, was in direct violation of Article 15, Section 3, Chapter 7, Book 2, of the Confession of Faith, and contrary to the rulings of the General Assembly on this point.
2

(See Moore's Digest, page 589.)

3. That the Presbytery refused to receive, or permit to be read, a Remonstrance* from a large minority of the congregation of the First Presbyterian Church of Westfield, against the installation of the Rev. Alexander McKelvey, until after the vote on the installation was taken, said remonstrance being presented before the motion to install was made; which refusal was contrary to the rules of the Presbyterian Church and the rulings of
3 the General Assembly.

(See Moore's Digest, page 543.)

4. That the rights of the minority in the congregation were not regarded by the Presbytery according to the spirit of Presbyterian polity, as shown in Book 1, Chap. 15, Sec. 5; also as shown by decisions of the General Assembly, requiring pastoral relations to be dissolved on application of minorities.

(See Moore's Digest, pp. 420 and 421.)

4 5. That the installation of Rev. Alexander McKelvey was upon a divided vote of the Presbytery, as follows, viz.:

---

* The Remonstrance or Petition follows the Complaint below.

1. At the meeting of the Presbytery in Westminster Church in Elizabeth, July 7, 1874, permission was given to the Commissioners of the Westfield Church to prosecute the call by a vote of 16 to 10.

2. The vote to install at the meeting of Presbytery in Westfield, July 27, was fairly expressed by the vote of 15 to 14, refusing a *stay of proceedings*.

3. It was against the Remonstrance* of 132 members of that congregation.

4. It was against the remonstrance of *four* of the members of the Session of said church, who refused to sign the call.

6. That the installation of Rev. Alexander McKelvey in the face of a minority of the voters of that congregation, comparing as 8 to 10—in the face of a *majority of the church members*—and in the face of two-thirds of the benevolence of the church, was both unjust and unwise.

Your complainants and appellants pray the Synod to review the proceedings of the Presbytery of Elizabeth, and take such action as shall be for the interests of Presbyterianism, for the spiritual good of the church at Westfield, and for the good name of the Church of Christ.

July 30, 1874.

S. S. SHEDDAN,
E. H. REINHART,
AARON PECK.

---

* Called Petition, *infra*.

Second, the Clerk of Synod read the petition or remonstrance referred to in Dr. Sheddan's complaint, and known as the petition of Ephraim Clark and others, as follows:

PETITION
OF
EPHRAIM CLARK
AND OTHERS
TO THE
PRESBYTERY OF
ELIZABETH.

Westfield, Friday, July 24, 1874.

We hereby certify that at a regular meeting of the minority held this day the following petition was reported and unanimously adopted.

CHAUNCEY B. RIPLEY,
Chairman.

CHARLES A. KINCH,
Secretary.

Basking Ridge, N. J., July 31, 1874.

I hereby certify that the above is a true copy of the certificate at the head of a petition presented to the Presbytery of Elizabeth at Westfield, on the 27th inst., by the above persons and others.

JOHN C. RANKIN,
Stated Clerk.

PETITION

To the Presbytery of Elizabeth, New Jersey:

The petition of Ephraim Clark, Francis R. Baker, Joseph Cory, Dr. Frederick A. Kinch, Henry Baker, Chauncey B. Ripley, Dr. Charles A. Kinch, James O. Clark, John T. Lawrence, William Stitt, Zopher Hetfield, Robert French, A. A. Starr, James French, Mulford M. Scudder, and Agur L. Roff, of Westfield, New Jersey, respectfully shows:

That your petitioners are members of the church and congregation of Westfield, N. J., and that four of our number are elders of said church.*

That at a meeting of the minority (so called) of said church, held on Monday, the 20th inst., in view of the proposed installation of Rev. Alexander McKelvey, your petitioners were appointed a Committee for the following purposes, to wit:

* Whole number of elders *eight*.

1. To meet, on due notice, at the residence of Isaac H. Pierson, Esq., the committee appointed to subscribe the call to Rev. Alexander McKelvey, for the purpose of "reasoning together" according to the teachings of the New Testament, in the matter which at present so seriously disturbs our church. The report of that interview is annexed hereto and marked A. 1

(See Exhibit A., page 15, *post.*)

2. Your petitioners were especially instructed to prepare and present to your body, on behalf of the minority, a petition praying that all further proceedings in the direction of settling the Rev. Alexander McKelvey over the Westfield church be stayed, at least, until the hearing of our appeal before the Synod of New Jersey, and the determination of the same, and that your petitioners submit the reasons therefor. 2

Your petitioners therefore pray that such stay be granted, and for the following reasons:

I. Such stay is not inconsistent with the previous denial of a similar application.

Resolution of Presbytery, July 7, 1874 (see Minutes, Exhibit E, Appendix):

"On motion, 3

"*Resolved*, Whereas the minority of Westfield church "have asked a stay of proceedings; therefore, resolved, "that this body decline AT THIS TIME to grant their "request."

II. An Appeal to the Synod has been duly taken, and *involves* a stay of proceedings.

"The *necessary* operations of an appeal is to suspend all further proceedings."—Pres. Dig., p. 589, § XV. Case of Rev. Thomas B. Craighead, who by direction of Synod was *deposed* —but this could not be done constitutionally because of the appeal.—Pres. Dig. p. 589 (No. 1), XV. Case of Rev. Mr. Hunter—stay implied.—Moore's Pres. Dig. 420. 4

III. The Presbytery placed the call in the hands of Rev. Mr. McKelvey, merely for the purpose of allowing him to exercise his discretion ; if Mr. McKelvey has not
1 exercised *a wise discretion*, it is not too late for the Presbytery to suggest it in a resolution—or to suspend any further step.

The resolution of Presbytery, July 7, is as follows :

"That the commissioners bearing the call to Presbytery *have leave to prosecute the same.*"

Of those that voted in Presbytery on the 7th inst.,
2 *sixteen voted for* the resolution, and *ten voted against* it.
Several who voted for it declared on discussion that if it were a question of whether or not Mr. McKelvey *should accept*, they *would not* vote aye.

IV. This meeting is to consider, first, whether "the *way be clear*" to install. Your petitioners urge that the way *is not clear*. Because—

The number of those called the minority is larger than on the 7th July, by several, who have signified a
3 desire to sign the paper protest filed with the Appeal Roll.

Because the minority have not become reconciled, as some members of Presbytery supposed on the 7th inst.

Because the minority are less likely to become reconciled than heretofore. The minority supposed on the 7th inst., and prior to that date, that Mr. McKelvey was not fully acquainted with the nature and extent of the opposition to himself on the part of the minority, whereas it appears by testimony of his own intimate friends that he, Mr. McKelvey, knows in detail just who are opposed to him, and for what reasons—he having gone over a
4 list of the opposition with his friends, and inquired and been informed who each one opposing is; his standing and influence in the community and church, and minutely his objections to the pastoral relation proposed.

While the minority were charitable, before the last meeting of Presbytery, in supposing Mr. McKelvey in a false position, ignorant of the true state of things, they now are satisfied that he purposes to come to a people 1
who do not want him, and will not contribute cheerfully in any degree to his support.

The minority now blame Mr. McKelvey more than any other for the undue prosecution of this call. What before was the absence of a liking for the man has grown to be a positive dislike.

V. The pastoral relation will be dissolved on application of a minority.

By parity of reasoning, how much more should Pres- 2
bytery refuse to create the relation, a sufficient minority resisting.

(Moore's Pres. Dig. pp. 420, 421. Case of Rev. Mr. Hunter.)

The Presbytery first dissolved the relation on *petition of less than one fourth* the members of the congregation.

The minority, too, had lost their right to vote by reason of absence and failure in contributing to the support of the church, and the majority presented a 3
counter petition to Presbytery.

The Synod reversed the decision of Presbytery on account of *deficiency of records.*

A new application was made to Presbytery by same minority, and the application refused by small majority.

On appeal, Synod reversed the decision of Presbytery unanimously.

Afterwards the General Assembly affirm the decision of Synod, and the relation is dissolved.

VI. Your petitioners further show that the interests 4
of the Presbyterian church and society at Westfield will greatly suffer in case of further prosecuting the settling of Rev. Mr. McKelvey. The minority will not leave

the church, but remain for the protection of their rights; they will contribute to its support, but not liberally nor cheerfully. They will treat the pastor, (if Mr. McKelvey), with politeness, but not with affection and respect.

VII. The interests of the community will greatly suffer by forcing the proposed installation. The effects of dissatisfaction will be felt in every dwelling-house and place of business in Westfield.

VIII. The Presbyterian Church at large, and the cause of religion itself will suffer, and reproach be thus cast upon those who are in no way responsible.

IX. An escape from all our troubles could be accomplished by the withdrawal of Rev. Alexander McKelvey. The Presbytery should recommend this by a resolution to that effect, on the ground of *expediency*. The interests of one man should not stand against the interests of many.

Your petitioners, therefore, on behalf of one hundred and thirty-two members of the Westfield church and congregation, pray that all proceedings may be stayed, or Mr. McKelvey recommended to retire. And your petitioners will ever pray.

Westfield, July 24, 1874.

(Signed) EPHRAIM CLARK,
HENRY BAKER,
JOSEPH CORY,
F. R. BAKER,
} *Elders.*
ROBERT FRENCH,
J. LAWRENCE CLARK,
ALFRED A. STARR,
JOHN T. LAWRENCE,
E. HARBISON,
AGUR L. ROFF,
WILLIAM STITT,
JOHN D. JAQUES,
JAMES M. FRENCH,
F. A. KINCH,
CHAUNCEY B. RIPLEY,
CHARLES A. KINCH,
JAMES O. CLARK,
M. M. SCUDDER.

EXHIBIT A,

Referred to in foregoing Petition. 1

Westfield, N. J., July 20, 1874.

At a joint meeting of the committee appointed to subscribe a call to the Rev. Alexander McKelvey, and a committee of a corresponding number from the minority (each committee embracing sixteen members), held at the residence of Isaac H. Pierson, Esq., Stated Clerk of the Session of Westfield Presbyterian Church, present—Dr. Charles A. Kinch, James O. Clark, William Stitt, Agur L. Roff, Robert French, *Elders*–Joseph Cory, 2
Francis R. Baker, Ephraim Clark, Henry Baker and Isaac H. Pierson (the latter being at home and present, but not participating), Chauncey B. Ripley.

The meeting was organized at 8 o'clock by the appointment of Elder Joseph Cory chairman, and Chauncey B. Ripley secretary.

The meeting was opened by prayer, Elder Henry Baker officiating. The object of the meeting was stated to be for the purpose of "reasoning together," if possible, on the disturbed state of the church. Statement made 3
by the secretary. Views were freely expressed on that subject. Satisfactory evidence of our notice of the meeting to all members of such committee was given (except as to Stewart E. Clark), by Elder Ephraim Clark, who notified the Session, and Mr. Robert French, whose son notified the trustees (except Stewart E. Clark), the other committee being notified at a meeting of the minority.

It was also reported that many of the committee on subscribing the call had signified their intention not to attend—and few of them were present. The following 4
resolution, with preamble, was offered, and on motion duly made and recorded was carried, no one opposing, Elder Isaac H. Pierson not voting.

Whereas, the Presbytery of Elizabeth contemplate the installation of Rev. Alexander McKelvey on Monday next, and whereas, in our judgment, one half of the
1 church and congregation of Westfield at least are honestly and earnestly averse to such act, therefore,

Resolved, That we deem it highly inexpedient, and clearly against the best interests of the church and community of Westfield, and the cause of religion generally, for the Presbytery to proceed farther in the proposed settlement of Rev. Mr. McKelvey over this church.

Adjourned.

JOSEPH CORY,
Chairman.

2 CHAUNCEY B. RIPLEY,
Secretary.

I hereby certify that the above is a true copy of a paper attached to the Petition of Ephraim Clark and others, said petition and accompaniment having been presented to Presbytery on the 27th inst.

JOHN C. RANKIN,
Stated Clerk.

BASKING RIDGE, N. J., July 31, 1874.

3

Third, the clerk of Synod read the Minutes of Presbytery relating to the case, as follows:

MINUTES OF PRESBYTERY MEETING OF JULY 27, 1874.

WESTFIELD, N. J., July 27, 1874.

Presbytery met at the call of the Moderator, and was opened with prayer.

PRESENT—Rev. J. G. Williamson, Moderator, Bond,
4 Read, Wilson, Sheddan, Street, Rankin, Kempshall, Plumley, Reinhart, Roberts, Peck, Parry, Miln, Blauvelt, Roberts, Scribner, Brown, Bliss, Pierson, and Cory.

Ruling Elders Present—James S. Hill, Basking Ridge; David Gilmour, Metuchen; Samuel Milliken, Plainfield 1st; A. Leeson, Plainfield 2d; J. Edwards Marsh, Elizabethport; Peter V. Servis, Elizabeth 2d; Benjamin Ogden, Elizabeth 3d; William Littell, Summit Central; 1
Jonathan Woodruff, Rahway 2d; Reuben Van Pelt, Roselle; John Crane, Connecticut Farms; Joseph Randolph, Rahway 1st; Jonas E. Marsh, Elizabeth 1st; Job S. Williams, Cranford; J. C. Ammerman, Westfield.

On inquiry, it was found that the Presbytery had been regularly called, and for the following purpose, viz.: "If the way be clear of receiving Rev. Alexander McKelvey, and installing him pastor of the church in Westfield."

The Rev. H. W. Teller, of the Middlesex Association, 2
and the Rev. Mr. Baldwin, of , and the Rev. Alexander McKelvey, of the North Classis of Long Island, were invited to sit as corresponding members.

By request, the Minutes of the Special Meeting of the Presbytery held July 7, inst., were read for the information of Presbytery.

The Rev. Mr. Peck raised the question of privilege, that this Presbytery cannot proceed, because an Appeal made in the case of the call to the Rev. Alexander 3
McKelvey to become the pastor of Westfield Church, suspends all proceedings. The Moderator decided this not to be a question of privilege. Whereupon it was moved and seconded, that the proceedings of this Presbytery be stayed on the ground that a Complaint and Appeal from its decision at the special meeting of July 7th has been taken to Synod, and certified to by the Moderator.

This motion was lost by a vote of fourteen for, and 4
fifteen against it.

A certificate from the North Classis of Long Island, dismissing the Rev. Alexander McKelvey, to this body, was presented and read.

1 Mr. McKelvey was examined, to the satisfaction of Presbytery, and, on motion, was received as a member of this body.

The call of the Westfield church and congregation to Rev. Mr. McKelvey to become their pastor was then read, found in order, and placed in his hands by the Moderator.

Mr. McKelvey signified his acceptance of the same, and on motion it was

2 "*Resolved*, That Presbytery will proceed to his install-
"ation this evening at 7:45 o'clock, in the following
"manner, viz.: The Moderator to preside and propose
"the usual questions, Rev. Dr. W. C. Roberts to preach
"the sermon, Mr. Rankin to give the charge to the
"pastor, and Mr. Brown the charge to the people.

Dr. Sheddan gave notice that he should complain and appeal to Synod against the action of Presbytery in this case.

3 Presbytery then took a recess until 7:45 o'clock this evening.

7:45 P. M.—Presbytery met after recess, and installed Mr. McKelvey pastor of the church and congregation of Westfield, agreeably to the arrangements previously made.

A petition of Ephraim Clark and others, members of the church and congregation of Westfield, which had
4 been laid on the Moderator's table in the afternoon, was taken up, and on motion it was

"*Resolved*, That the consideration of this petition be
"deferred until the next stated meeting of Presbytery."

The Moderator reported that he had received an Appeal and Complaint against the action of this body on the 7th inst., taken to the Synod of New Jersey by Chauncey B. Ripley and others, and the papers were put into the hands of the Stated Clerk.

The Minutes were read and approved, and Presbytery adjourned.

Closed with prayer.

JOHN C. RANKIN,
Stated Clerk.

I hereby certify that the above is a true copy of the Minutes of the Presbytery of Elizabeth, held in the Presbyterian Church of Westfield on the 27th inst.

JOHN C. RANKIN,
Stated Clerk.

Basking Ridge, N. J., July 31, 1874.

We now come to Judicial Case No. 3, which we also state in full, as heard before Synod
1 in 1874.

First, the Clerk of Synod read the following:

IN THE MATTER OF THE PRESBYTERIAN CHURCH IN WESTFIELD—BEING AN APPEAL BY THE MINORITY OF THE CONGREGATION OF THE WESTFIELD PRESBYTERIAN CHURCH TO THE SYNOD OF NEW JERSEY, AGAINST THE ACTION OF THE PRESBYTERY OF
2 ELIZABETH, AT A MEETING OF THAT JUDICATORY, HELD JULY 7, 1874, AT WESTMINSTER CHURCH, ELIZABETH, N. J.

Notice of Appeal and Reasons.

To Rev. J. G. Williamson, *Moderator of the Elizabeth Presbytery, at a meeting held July 7th*, 1874, *in Westminster Church—held for the purpose of considering the relations of Rev. Alexander McKelvey to said Westfield Church:*

3 You will please take notice that we hereby appeal from the rulings, decisions, resolutions, and proceedings at such meeting of the Presbytery, and from each and all of them, as follows, and for the following reasons:

I. The meeting of the Presbytery held July 7th, 1874, had no jurisdiction of our case, the notice required by the rules not having been given.

Moore's Pres. Dig., 178, § X.
Postal Card of Moderator (1);*
" " " (2);†
4 Certificate of Clerk of Session (3).‡

* See Appendix, Exhibit A.
† " " " B.
‡ " " " C.

II. The participation and votes of Dr. E. Kempshall vitiated the resolutions and all the judicial acts of the Presbytery, he having been Moderator* of the judicatory whose acts were under review. 1

Moore's Pres. Dig., p. 607, VII.

III. The complainants and appellants submitted to the Presbytery appealed from at least nine distinct points with specifications† and that judicatory passed upon them as a whole,‡ which was error. They should have been taken up and passed upon separately.

IV. Each and every point was decided adversely to the complainants and appellants, whereas each point 2
should have been decided favorably to the complainants and appellants, *i. e.*, the proceedings had at the parish meeting in Westfield, June 11th, should have been set aside as irregular, and the election of Rev. Alexander McKelvey should have been declared void and unconstitutional, and the manner of fixing the salary hasty and improper, and the addition of the parsonage should have been held by the Presbytery a nullity, for the reasons assigned at the hearing before the Presbytery, which are hereto annexed, forming a part of this appeal.§ 3
And all the relief asked of said Presbytery by the complainants and appellants should have been granted on the case then and there presented.

V. The moving parties complain and appeal because the Presbytery refused a stay of proceedings on due application of the appellants,‖ on the ground that the case

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* See Proceedings of Presbytery below, as read before Synod.

† See Appendix, Exhibit D, Complaint of minority to Presbytery

‡ See Exhibit E, Appendix—Minutes of Presbytery, July 7, 1874. 4

§ See in Appendix, Exhibit D, Complaint of minority from parish meeting of June 11, 1874, to Presbytery, July 7, 1874.

‖ See Minutes of meeting of Presbytery, July 7, 1874, and resolution offered by Dr. Kempshall refusing *stay of proceedings*, Exhibit E, Appendix.

might be more complicated while the Appeal is pending, and before the final adjudication of the questions at issue.

1 Moore's Pres. Dig., p. 589, XV., and case cited.

VI. The resolutions passed by the Presbytery July 7th were unwarranted, and are not sustained by the case as presented, as shown by the case itself annexed.* The said resolutions and the said Minutes being also annexed, and forming a part of the Appeal roll.*

July 9, 1874.

CHAUNCEY B. RIPLEY,
DR. F. A. KINCH,
2 *For Appellants and Complainants.*

ADDITIONAL POINTS.†

VII. Undue haste was indulged in presenting the call to Rev. Alexander McKelvey, the candidate, who was in a side room of the Westminster church, or near at hand, having been produced by Rev. Dr. Kempshall before the Presbytery at once after the vote was taken and the call placed in his hands, the said Kempshall 3 urging his acceptance of the same, under protest of one of the members of the Presbytery, to wit, Rev. Dr. Sheddan, the protest being made duly and the ground stated.‡

VIII. Rev. Mr. McKelvey was not a member of the Presbytery of Elizabeth at the time, nor of any Presbytery, and the course pursued was improper and unconstitutional under the rules of government of the Presbyterian Church—besides, it was an act of discourtesy to 4

* See Exhibits D and E, Appendix.

† These two additional points, VII and VIII, above, were added at the suggestion of Dr. S. S. Sheddan.

‡ See Exhibit F, in Appendix, Certificate of Dr. Rankin, Stated Clerk.

the Reformed Dutch Church, to which Rev. Mr. McKelvey belonged, and to the Classis of which he was at that time a member, thus to disregard the rules of the two churches and the established practice under those rules, the objection being properly taken.* 1

July 14, 1874.

CHAUNCEY B. RIPLEY,
DR. F. A. KINCH,
For Appellants and Complainants.

Second, the Clerk of Synod read Exhibit E, set forth in full in the Appendix, being

The Minutes of Presbytery, July 7, 1874 (see Appendix). 2

Third, the Clerk of Synod read Exhibit F, set forth in full in the Appendix, being

Certificate of Dr. Rankin, Stated Clerk of Presbytery of Elizabeth (see Appendix).

Fourth, Exhibit D was read and referred to during the hearing before Synod, being

Complaint of Minority of Westfield church and congregation to the Presbytery of Elizabeth (see Appendix, Exhibit D). 3

Fifth, Exhibit G was read and referred to during the hearing before Synod, being

Report of a Committee of the Minority to Rev. Alexander McKelvey, setting forth their objections, with notice of their intention to present the matter before Presbytery (see G, Appendix).

Sixth, the brief of Dr. F. A. Kinch was read and referred to before Synod, being the outlines of his argument at Presbytery of Elizabeth, July 7, 1874, which is found in the Appendix, and marked Exhibit L. 4

* See Exhibit F, in Appendix, Certificate of Dr. Rankin, Stated Clerk.

After the reading of the foregoing papers before Synod (many of them were read on the hearing of Judicial Case No. 2, Dr. Sheddan's Complaint), the Synod,
1 without argument, except a partial opening of the case by Rev. K. P. Ketcham, sustained the Appeal of the Minority of the Westfield church by a unanimous vote of Synod in the adoption of the *Minute* given on page 6, *supra.*

The case having been thus referred back to the Presbytery of Elizabeth for reconsideration, that body subsequently took such action in the matter as appears by the following Exhibits, which are given in the Appendix:

2

Exhibit M, being

The Stated Clerk's Record of all the acts of the Presbytery of Elizabeth from the adjournment of Synod, October, 1874, to 22d March, 1875 (see Exhibit M, Appendix).

Exhibit N, being

Minutes of the several meetings of a Presbyterial Committee or Commission in this matter.

3 *Exhibit O*, being

Report of Presbyterial Committee or Commission.

Exhibit P, being

Minutes of Congregational Meeting, November 30, 1874, at Westfield.

Exhibit Q, being

Reply of Commissioners to protest filed Nov 30.

4

THE

SECOND APPEAL

FROM

THE PRESBYTERY OF ELIZABETH.

The following presents the *status* of this case on a second appeal from the Presbytery of Elizabeth to a higher judicatory of the Presbyterian Church:

IN THE MATTER OF THE CALLING AND INSTALLING OF REV. ALEXANDER McKELVEY OVER THE PRESBYTERIAN CHURCH AT WESTFIELD, NEW JERSEY, AND THE RECONSIDERATION OF THE PROCEEDINGS UNDER THE DIRECTION OF THE SYNOD OF NEW JERSEY, INCLUDING ALL PROCEEDINGS RELATING THERETO FROM JUNE 11, 1874, TO DATE, DECEMBER 16, 1874.

Complaint and Appeal to the Synod of New New Jersey.

The minority of the church and congregation of Westfield complain and appeal to the Synod of New Jersey, because,

First, the Presbytery of Elizabeth, though directed by the Synod to reconsider its action in the whole matter of the calling and installing of Rev. Alexander McKel-
1 vey, and *after* giving a full hearing to the minority of the congregation of Westfield (*then*) to determine whether the pastoral relation should be continued or dissolved,* have neglected and refused to comply with the judgment so directing.

The Presbytery reconsidered *in part only*, and then decided to continue the relation—which was hasty, erroneous, and unjust to the minority.

Specification: In our complaint to Presbytery from the parish meeting of June 11, at which Mr. McKelvey was
2 elected, nine distinct points of objection were taken.†

On appeal to the Synod, every point was sustained; among them the following:

The freedom of speech was suppressed: Illegal votes were cast: The salary was irregularly and hastily fixed; the act was void, as appears by the Minutes of parish meeting, June 11: The times of payment of the salary were not legally fixed, and that act was void: The attempted disposition of the parsonage was held a nullity: The Moderator of the parish meeting, June 11,
3 neglected and refused to comply with § 5, Chapter XV., Book of Government—exhorting the minority, and not attempting to dissuade the majority: There was no unanimity shown on the final vote: A motion to reconsider was not entertained: The Minutes of a previous meeting, containing resolutions embodying an agreement between those in favor of and opposed to Mr. McKelvey were not allowed by the Moderator to be read on due call, and the candidate, Mr. McKelvey, was improperly reproduced.

Every act of the parish meeting of June 11 should
4 have been *considered over again*, including those above recited.

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* See *ante*, page 6, Synodical Minute.

† See Appendix, Exhibit D.

The Presbyterial commissioners appointed under the direction of Synod to rehear the minority and majority on the cases presented at the last meeting of Synod (Judicial Cases Nos. 2 and 3), during their sittings in West- 1
field, inquired of the representatives of the minority if they would consent to go into a parish meeting with Dr. William C. Roberts (their chairman) for Moderator, the sole question before that meeting to be, "Shall the relation of Rev. Mr. McKelvey with your church be continued or dissolved, and the vote to be yes or no *without discussion?*"

To this the minority answered unanimously (by their committee of four), *we cannot consent to the proposition.* To the Moderator named we make no objection, but 2
prefer that the entire Commission attend any parish meeting called under the resolution appointing you. But to *consent to the suppression of free speech on questions and issues pertinent to our ordinary parish meetings we cannot.* And reference was here made to the fact that we had been to Synod on this very question, and Synod had sustained us in the right we claimed.

The minority, by their Committee, asked to be fully heard on this question, should the Commissioners contemplate the holding of a parish meeting under such 3
restrictions. The Committee of the minority were heard before the Commissioners on that point before the notice for the parish meeting was prescribed, and protested against such suppression of free speech, both before the Commissioners prior to their submitting such notice to the Session, and at the parish meeting subsequently held, Nov. 30.

Second, the minority complain and appeal to Synod because the Presbytery of Elizabeth afforded them no relief in answer to the Petition filed with their Clerk 4
December 7, which Petition prayed for a dissolution of the pastoral relation of Rev. Mr. McKelvey, with the reasons therefor. Also because the Presbytery refused to

read and act upon such Petition before deciding the question to which it related, such Petition, duly signed by the Committee of the minority and four of the elders
1 of the church, having been filed away unread. Also because the petitions of Mrs. French, Mrs. Clark, and Mrs. Goodrich, members of our church, of the same purport, and presented at the same time and in the same manner, were similarly disposed of.*

Third, the minority Appeal and Complain because the Presbytery ratified the ruling of the Moderator of our parish meeting 30th November, that all delinquent pew-holders, and those subletting pews, not having their
2 names on the trustees' books, were entitled to vote; while many voting under such ruling had neither attended church nor paid pew-rent for years, nor yet were members of the church. Besides, those subletting of delinquents, and paying nothing to the church for its support, were allowed to vote.†

Fourth, the minority Complain and Appeal because the Commissioners failed to report to the Presbytery important and material facts presented by the minority to wit, facts set forth in the briefs of Mr. John T. Law-
3 rence and James O. Clark, which briefs are hereto annexed, and made a part of this Appeal and Complaint, and marked respectively,‡—

The Petitions of the minority Committee, and of Mrs. French, Mrs. Clark, and Mrs. Goodrich, are also made a part of this Complaint and Appeal, which also contain important points not reported by the Commissioners (see Petitions of Dec. 3, *post*).

As addditional grounds for complaining and appeal-
4 ing:

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* The Petitions follow below.

† Exhibit P, Appendix.

‡ See Appendix, Exhibits R and S.

Fifth, Dr. E. Kempshall voted and participated largely in the proceedings, reviewing his own acts, at the meetings of Presbytery December 7 and 8.

Sixth, after the Presbytery had passed a resolution to continue the pastoral relation of Rev. Mr. McKelvey, without reconsidering *at all* the question of salary—notwithstanding the minority had urged it upon the Presbyterial Commissioners at their meetings at Westfield, and had filed their Complaint and Appeal from the parish meeting, 30th November, with the Presbytery, and the Presbytery had refused to act upon such Appeal and Complaint—the Stated Clerk, Dr. Rankin, was allowed to append to such resolution another resolution (passed subsequently to all the foregoing proceedings), to the effect that the question of salary and the parsonage be reconsidered next April.*

Seventh, the minority further Complain and Appeal, because their Complaint and Appeal,† lodged with the

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* The Parish held their annual meeting April 5, 1875, and neither of those questions was reconsidered.

† IN THE MATTER OF THE PARISH MEETING HELD AT WESTFIELD, NOVEMBER 30, 1874, PRESBYTERIAN CHURCH. } *Appeal and Complaint of the Minority.*

To the Presbytery of Elizabeth:

The minority of the church and congregation of Westfield, New Jersey, Appeal and Complain to this judicatory because:

The parish meeting of November 30, 1874, was called and conducted unconstitutionally.

The notice under and by virtue of which it was called reads as follows:

"*A meeting of this congregation is called in this church on Monday, November* 30, 4.30 *P. M., to vote upon the question—Shall the pastoral relation of the Rev. Alexander McKelvey with the congregation of Westfield be continued? The vote to be yes or no* WITHOUT DISCUSSION."

After the meeting was convened, the Moderator caused the above no-

Presbytery of Elizabeth December 8, at Westminster Church, Elizabeth, though duly filed within the prescribed ten days, and asking for relief to which we were
1 entitled, was disposed of by the Presbytery in such a way as to afford us no relief. We therefore ask Synod to review said Appeal and Complaint, and the Protest

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tice to be read by the Clerk of the Presbyterial Commission, and ruled that no discussion would be allowed.

The Moderator also ruled that no vote would be taken on the question of salary.

Appellants and Complainants urge:

I. That this parish meeting was called under the direction of the
2 Synod of New Jersey, and should have been conducted according to the letter and spirit of the judgment of Synod, as shown by the Minute (annexed and marked A)—found *herein* on p. 6, *supra i. e.*, a full hearing should have been given to the minority and majority. Especially should this liberty of free speech have been accorded to the minority, since it was the subject of Complaint and Appeal at our last parish meeting, and the Synod declared it irregular by a unanimous vote in the adoption of the Minute annexed (herein, p. 6, *supra*).

II. That Synod, in directing the Presbytery to consider over again the whole matter, directed them among other things to consider over again the question of salary. Especially should the parish have been allowed to reconsider the salary question, since the fixing of the salary
3 of Rev. Alexander McKelvey, June 11, 1874, was irregular, and so declared by Synod in sustaining the Appeal and Complaint of the minority of the church and congregation at Westfield, as also appears by the Minute of Synod marked A, and annexed (page 6 *supra*). The attempted fixing the salary is void and illegal, as the Minutes of the parish meeting of June 11, 1874, show (see Ex. J and Ex. K, Appendix).

The calling of the meeting, and the ruling of the Moderator under the call, were illegal generally, and especially so under the direction of the Synodical Minute (annexed).—p. 6 *supra*.

III. As additional reasons for appealing and complaining to Presbytery, the minority annex hereto a copy of their Protest and Dissent, marked B) follows this Complaint, filed with the Clerk at the meeting Nov. 30, 1874, and make it a part of this Complaint, with the reasons thereof.
4

IV. The parties hereto Appeal and Complain also because the Moderator neglected, after it appeared that a large minority, to wit, 93, were averse to the candidate in the majority, to endeavor to dissuade the majority from insisting upon the election of such candidate, contrary to the

annexed, and to grant us the relief to which we are justly entitled, and for which we therein pray, and we make such papers a part of this Complaint and Appeal, and pray Synod to afford us the relief to which we are entitled.

Book of Government, and regardless of the express judgment of Synod heretofore rendered in this particular case, which was error.

Wherefore Appellants and Complainants ask for such relief in the premises as we may be entitled to, and as may be just, and as may tend to conform the proceedings of this judicatory to the late decision of Synod.—(p. 6 *supra*).

WESTFIELD, N. J., December 3, 1874.

CHAUNCEY B. RIPLEY,
DR. F. A. KINCH
JOHN T. LAWRENCE,
JAMES O. CLARK,

On behalf of Minority.

[This Complaint was filed in open Presbytery December 8, 1874, at Elizabeth, and the following Protest was annexed, and also Synodical Minute found on page 6, above.]

DISSENT AND PROTEST OF THE MINORITY OF THE CHURCH AND CONGREGATION OF THE PRESBYTERIAN CHURCH OF WESTFIELD, N. J. — B.

To Rev. William C. Roberts, D. D., Moderator of the Parish Meeting, and Presiding Officer of the Presbyterial Commission, other members of the Commission, and the Session of the Westfield Presbyterian Church :

The undersigned, on behalf of the minority of this church and congregation, respectfully beg leave to lodge this, our Dissent and Protest, with our reasons. in the hands of the Clerk of this meeting, that the same may be entered on the records, and be sent up for review to the Superior Judicatories of this Church.

We dissent and protest against the phrase " without discussion " in the notice prescribed by the Presbyterial Commission on which this meeting was called. We also dissent and protest against the adoption and enforcement of the rule suggested and involved in such phrase, " without discussion "

We understand the rule implied to be,—That no member of the church or congregation is at liberty to speak to the question proposed, either *pro* or *con*, nor to express his views upon the subject in any way publicly at such meeting, nor to explain in any manner his reasons for voting on the one side or the other, nor to submit any considerations to the parish thus assembled as to the rules of the Presbyterian Church, the

Eighth, Appellants and Complainants urge that on the whole case as heretofore presented, and all the papers

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1 interests and welfare of our own church and parish, the expediency or inexpediency of the action proposed—in short, that the ordinary freedom of speech in deliberative assemblies allowed is entirely suppressed, and our time-honored custom of reasoning together ih these matters overruled.

Our reasons for dissenting and protesting are the following:

1. This rule is in contravention to the liberality of the Christian religion and our republican institutions.

2. This rule is opposed to the Constitution of the Presbyterian Church, both as to letter and spirit.

3. We desire to explain to our fellow-parishioners, as pertinent to this issue:

That the receipts for pew-rents and other incomes of the church are entirely inadequate to the prompt and full payment of the expenses of
2 our church:

That in its present disturbed condition the receipts are diminishing, while the expenses have increased:

That the Synod of New Jersey have reviewed the cases involving our present troubles, and have rendered such judgment as leaves us free to act in voting upon this issue, thus removing the scruples of many who have felt bound by the prior action of Presbytery—deeming opposition to the installation as insubordination and anti-presbyterian:

That unity, harmony and brotherly love are essential to the spiritual and temporal prosperity, growth and general interests of the church:

That we desire the good of the church and congregation, the good of the whole Church, and nothing more—and how all these questions may be settled by the action of this meeting.

3 We also desire to refer to the Minutes of a parish meeting held January 28, 1874, and demonstrate to those who were not present at the time, and those who do not fully understand the origin and nature of our difficulties, how the people of this parish are morally bound to vote for a dissolution of the pastoral relation, because of such resolutions and the agreement therein contained.

We desire also to explain that the vote upon the salary at our last parish meeting was illegal, and that we were misled by the ruling of the Moderator then presiding, and that a second vote upon the salary question is a matter which will yet come before them, and which may be properly considered indirectly in casting the vote of to-day—and *how* it may be so considered.

WESTFIELD, N. J., Nov. 30, 1874.

CHAUNCEY B. RIPLEY,
4 DR. F. A. KINCH,
JOHN T. LAWRENCE,
JAMES O. CLARK.*

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* This Dissent and Protest was filed with the clerk at the Parish meeting of November 30, 1874, before any votes were taken, but was not read until after the voting.

and Minutes on file with the Presbytery of Elizabeth and with the Stated Clerk of Synod, including the Complaint of the late Dr. S. S. Sheddan, and the briefs of Dr. F. A. Kinch, marked L, and that of Chauncey B. Ripley, marked T, annexed, the Synod should dissolve the relation between Rev. Alexander McKelvey, pastor of the Westfield Presbyterian church and said Presbyterian church.

December 16, 1874.

CHAUNCEY B. RIPLEY,
JOHN T. LAWRENCE,
DR. F. A. KINCH,
JAMES O. CLARK,

On behalf of the Minority of Westfield Presbyterian Church.

The following is a Second Petition of the Westfield
1 Minority for a dissolution. This Petition was filed in open Presbytery, December 7, 1874, at Westminster Church, Elizabeth :

PETITION OF MINORITY OF WESTFIELD PRESBYTERIAN CHURCH REFERRED TO IN THE FOREGOING COMPLAINT.

2 PETITION*

To the Presbytery of Elizabeth :

Your petitioners, the minority of the church and congregation of the Westfield Presbyterian church, respectfully show—

I. That numerically your petitioners were and are as follows :

At the election held in our parish June 11, 1874,
3 when Rev. Alexander McKelvey and Rev. Mr. Crittenden were candidates, eighty-eight (88).

At the meeting of Presbytery July 7 last, as represented on an application to Presbytery to set aside the election as irregular, one hundred and twenty-two (122).

At the installation of Rev. Alexander McKelvey, July 27, one hundred and thirty-two (132).

On obtaining the expression of the parish, Monday, the 30th ultimo, by ballot, ninety-three (93)—the difference in the numbers from time to time being, in our judgment, mainly owing to the two modes of obtaining
4 the expression, to wit, one by the circulation of a paper, the other by a vote at parish meeting ; the former

* Three other Petitions were filed with Presbytery the same day, and follow this.

method, for obvious reasons, securing the larger number.

Your petitioners further show that the whole number of votes cast on the 30th ultimo was 272. 1

For dismissal	93
Blank	2
For retaining Mr. McKelvey	177

Showing more than one-third of the parish in favor of a dissolution.

Your petitioners further show, that they have filed with Rev. Theodore S. Brown, Clerk of the Presbyterial Commission, appointed Nov. 9, a list* of forty-nine heads of families of our church and congregation (such list containing also the names of many who are legal voters, but not heads of families), all of whom have expressed themselves in favor of a dissolution of the pastoral relation over such signatures, which written expression* is also on file with the Commissioners, and dated November 10. 2

Your petitioners therefore pray that the pastoral relation between Rev. Alexander McKelvey and the Presbyterian church at Westfield be dissolved, and base their application on the numerical opposition that exists and has existed since the vote of the parish taken at the election June 11, 1874. 3

The General Assembly dissolved the relation in the case of Rev. William Hunter and the church at Hopewell, on application of *less than one-fourth of the congregation*, and that by a *unanimous* vote of the General Assembly. Besides, the majority of the congregation united with the pastor in a petition to continue it. The small minority in that case had lost their *status*, too, by absence from communion and failure to contribute their just proportion to the support of the church. 4

Moore's Pres. Dig., pp. 420 and 421.

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* See Exhibit U, Appendix.

It is also worthy of remark, in adding strength to the application of your petitioners, that in the Hunter case the relation was *properly created, and had existed for*
1 *many years*, while in the present case, the relation had hardly existed three months when the highest ecclesiastical Court of the State declared the proceedings irregular and hasty, and this judgment of Synod was unanimous, while the Presbytery of Elizabeth authorized the prosecution of Mr. McKelvey's call by a vote of 16 to 10, and installed by a vote of 15 to 14.

How much more, therefore, by parity of reasoning, are your petitioners entitled to a dissolution?

II. Your petitioners further show, that aside from the
2 irregularity and haste which characterized the calling and installing of Rev. Mr. McKelvey and the large dissenting vote of the Parish of Westfield and this Presbytery, that documents are on file with the Presbyterial Commission showing the use of *harsh and intemperate lauguage* by Rev. Mr. McKelvey to his parishioners, to wit: charging two of his elders with *falsehood* and with *subscribing to a falsehood*—that those elders are fathers
3 in the church of Westfield, among our oldest and most honored citizens, and against whose moral and religious character no word of slander was ever before uttered. Your petitioners further show, that one of them, Elder Ephraim Clark, has reached the great age of eighty years and upwards, and has been a member of our Session for twenty-eight (28) years—that the other, Elder Joseph Cory, has been in that office for twenty (20) years, and is now of the age of sixty-five (65) years.

Your petitioners further show that the charge of
4 falsehood against these venerable and worthy elders was uttered immediately after the administration of the sacraments of our church, in which both the pastor and elders participated; an occasion of extraordinary solemnity, as the paper referred to on file will show, which

paper (the presentation of James O. Clark* before the Presbyterial Commission) we ask to have read so far as it relates to this subject, to wit, the admission of Mrs. Prentis into the church on her dying bed. 1

Your petitioners further show, that a paper is also on file with said Commissioners (or at any rate was read before them) in which Mr. McKelvey admits, in a great measure, the charge made against him by these two elders.

The present case, your petitioners submit, is a stronger case than the case of Rev. Mr. Hunter; for (he was once admonished and afterwards dismissed) it does not appear that his parishioners, against whom he made the charge of falsehood were distinguished for their great age and as office-bearers in the church, and it was in the time of great political excitement—and "the principal cause, if not the origin of these difficulties," was charging falsehood—but under circumstances far different from those around the communion table at the residence of Mrs. Prentis. 2

Moore's Dig. p. 421, and Dr. Mott's letter.†

(Rev. George S. Mott, D. D., was chairman of the Commission.—See Dig., p. 420.) 3

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* Exhibit S, Appendix.

† LETTER OF GEORGE S. MOTT, D. D.

FLEMINGTON, Nov. 17, 1874.

CHAUNCEY B. RIPLEY, ESQ.:

Dear Sir,—I do not clearly understand what information you seek from me respecting the Appeal case referred to. You desire to be informed of "the precise language used by Rev. Mr. Hunter" in the case reported in Digest. If you mean the terms used by him, about some of his parishioners, for which he was admonished by his Presbytery, I cannot give those, because I have none of the papers of the case in my possession. These were lodged with the Stated Clerk of the Assembly, and I cannot now recall them by memory. Therefore I cannot state the "precise language" he employed. I can give just what is in my mind respecting the case, as stated in the Report of the Commission. His language was "harsh and intemperate." It should be mentioned 4

Your petitioners therefore urge, that the case before the Presbytery of Elizabeth to-day is one in which the minority of our church are beyond question entitled to
1 a dissolution, if the precedent, Mr. Hunter's case, governs your action.

Moore's Dig., pp. 420 and 421.

Moreover, troubles of this sort are no new thing in respect to Mr. McKelvey. They did not first develop themselves in Westfield.

(Here read Exhibit "E," annexed, as to similar trouble in Paterson, N. J.*

2 ———————————————————————————————

that the trouble began during our Civil War, and much of the irritation was connected with politics.

Mr. Hunter was a violent partisan of the South (if I am not mistaken), and some of the opprobrious epithets which he used were those common at that time. He also charged some of his parishioners and members with falsehood. * * * * * * * It was evident to us that he had neither the grace nor wisdom to pacify the small and influential minority whom he had angered. So far as I remember, Mr. Hunter did not charge immoralities upon those persons, except in the one particular of charging them with falsehood. His language about them was very offensive to them and irritating under the circumstances.
3 The degree to which language becomes "harsh and intemperate," depends considerably upon the circumstances under which it is spoken—and therefore when removed from those circumstances, certain objectionable terms may not be so harsh and intemperate. I think, therefore, that the precise language used by Mr. Hunter is not of much importance in your case. The nature of that language may be of some service, and that I have given you from memory.

Yours truly, GEO. S. MOTT.

* Paterson troubles similar:

EXHIBIT E.

When Mr. McKelvey was in Paterson, six or seven years ago, he charged several of his *church and congregation publicly* with "*falsehood*
4 and *forgery*"—one of which persons so charged was an officer of Mr. McKelvey's church. For these charges he was *required to* and DID apologize to each person so charged, and this he did after first refusing so to do, and under an intimation from the injured parties that they should resort to some measures for redress.

To this we may add that there was a controversy and serious trouble

Your petitioners further show:

That the calling and installing of Rev. Alexander McKelvey over the church at Westfield was as unjust and inexpedient as it was irregular, hasty and unconstitutional. That to continue this relation against the prayer of so large a minority of the church and congregation—a minority so justly entitled to the rights and privileges of the house and surroundings which they and their fathers have built and provided, is an act of injustice which no judicial tribunal could, in our humble judgment, insist upon, in full view of all the facts and circumstances of this case. 1

(See brief* of Dr. F. A. Kinch, on file with the Clerk of Presbyterial Commission.) 2

Your petitioners have too high a regard for the Christian character and sense of justice prevailing among the ministers and elders who compose this Presbytery (many of them our neighbors and friends), to believe it possible for such injustice to be permitted, except through misapprehension of the facts.

Your petitioners therefore pray that the question now before you may be considered from the facts and *data* presented in the brief of Dr. Kinch, and decided on the basis of justice—justice to the minority—justice to the interests of the Church, and justice to the cause of religion generally. 3

Your petitioners further show (and it is most distasteful and painful for us to urge your attention to this branch of our case), that we fear Mr. McKelvey does not

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in Mr. McKelvey's church in Paterson, extending over a period of many months. By reason of this, he was requested by a unanimous vote of all the officers of his church to resign his pastorate. He resigned and went away. So I am informed and believe. 4

JOHN T. LAWRENCE.

WESTFIELD, December 7, 1874.

* See Appendix, Exhibit L.

himself take high ground in the position that he sought and retains. We are informed and believe that he was pledged to accept the call if tendered by a majority of
1 the legal voters of the congregation, and that he now stands pledged to retain his office regardless of the interests of your petitioners, who are thereby deprived of their church privileges.

Certain it is, that while it appears plain to every one that Mr. McKelvey alone is the only obstacle in the way of bringing harmony out of discord, he himself is unwilling to sacrifice or even jeopardize his position as pastor of the Westfield church, as the following proves:

After the Commissioners had finished the hearing of
2 the case by the representatives of the minority and majority, four on each side, an adjournment of one week was taken, in order to afford the Committees an opportunity to confer together, to the end that, if possible, some adjustment of our troubles might be effected. It was deemed advisable, and by some necessary, that Mr. McKelvey's consent be obtained in advance to abide by any terms of settlement or compromise on which the majority and minority might agree—he being a necessary party to such agreement, from the very nature of
3 things.

The Presbyterial Commission sent a Committee to confer with Mr. McKelvey in the matter of compromise; individual members of the Commission conferred with Mr. McKelvey; others, among them his best friends, conferred with him on the subject, as we are informed and believe, but to no avail. Mr. McKelvey declined to submit his case to the arbitration of four from the minority and four from the majority and abide by the result.

At last, three gentlemen from the minority conferred
4 with him and submitted the following propositions:

1. "Will you, in case the majority and minority agree upon a compromise, abide by their decision?"

To which Mr. McKelvey replied: "I should want to

know what the proposed compromise was first. To agree to such a proposition would be like 'buying *a pig in a bag.*' "

After which, this proposition was put:

2. "Would you, if the compromise is a dissolution, you to remain as a stated supply, not to exceed one year from July 27, 1874?"

Mr. McKelvey answered: "I decline to commit myself in the matter."

"But you would be in the hands and under the protection of your friends, an equal number being on this arbitration," some one replied.

"I decline," again answered Mr. McKelvey.

Your petitioners have become satisfied from this and other occurrences, that Mr. McKelvey has no regard for the interests of the minority of our church, and is willing to remain, supported, so far as a very large part of the church are concerned, against their free will.

A very small majority is satisfactory to him, as shown by his remarks to Elders Clark and Cory. [See brief of James O. Clark* (on file with Rev. Mr. Brown, Clerk of Pres. Com.)]

Mr. McKelvey has taught and endeavored to teach that majorities should necessarily rule and control in the Presbyterian Church.

Your petitioners submit that such is not the polity of the Presbyterian Church, and that Synod is very explicit on that point, in the judgment rendered on the Complaint of Dr. Sheddan [see Dr. Sheddan's Complaint,† (in Minutes of Synod‡)], as well as the judgment sustaining the Appeal of the minority of this, our own church and congregation, lately prosecuted by your petitioners [see Minute of Synod‡ (annexed and marked

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* See Exhibit S, Appendix.

† See page 7 *ante.*

‡ See page 6 *ante.*

A.*)]. (See also letter of interpretation† written by Dr. E. R. Craven, Chairman of Synodical Committee on Minute—such letter is on file with Presbyterial Com-
1 mission.)

Your petitioners further show that the pastoral relation should be dissolved, and speedily, because the interests of our church, the interests of the churches in the Presbytery of Elizabeth, and the interests of religion generally require it.

Letters from the mothers of our church have been prepared on their own motion, and handed in to the minority Committee, addressed to this Presbytery, which are annexed, and to the consideration of which, and the
2 burden of their appeal, we urge your careful attention. (See letter of Mrs. Goodrich,‡ marked B, and letter of

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* See page 6 *ante*. † Appendix, Exhibit V.

‡ Here follow the letters in order. First, letter of Mrs. Goodrich, marked B (Petition):

To the Presbytery of Elizabeth:

Reverend Sirs,—As a member of the Westfield Presbyterian Church, and feeling a deep interest in its prosperity, I am constrained to address you. I am one of the large number who feel that as a church we can never have a blessing in our present divided state, and that there
3 will never cease to be a division during the incumbency of the *present pastor*.

I can probably present no more facts to your notice. Socially we are as if we had no pastor, or worse than that. At a little social gathering of mutual friends—all members of this church—shortly after the installation, in which five families were represented, I was struck with this fact: Not once was the pastor's name spoken, at a time when our hearts should have been warmed with the consciousness of being blessed, as a church, with a new spiritual guide after months of desolation. There appeared to be a tacit understanding that it was a forbidden subject.

Should it be thus?

Another fact I deplore—The influence upon our children of this unfortunate division. We cannot hide from them the fact. We would
4 have them see only what is "lovely and of good report" in our church organization, and now they behold *men professedly only of the world* leagued with church members, and *demanding* that the rights of majority shall prevail, utterly ignoring the rights of a large minority. As a widowed mother, with one only child, a son dedicated to God in bap-

Mrs. French,* marked C, and letter of Mrs. Clark,† marked D, annexed.)

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tism, and for whom it is her heart's prayer that he may early follow the Master and become a visible member of the Church of Christ, I implore you to weigh well the facts brought before you, and consider whether it is best that a pastor should remain without any prospect of harmony. 1

Shame and opprobrium are gathering around our beloved church. A pastor loved, honored and revered has left us, and one for whom we have no such regard occupies his place. Our blessed Master is dishonored, and his people mourn. That he may give you wisdom in your deliberations, and send peace to our distracted church, is the fervent prayer of "one of the minority." MARY E. GOODRICH.

WESTFIELD, November 24, 1874.

* Letter of Mrs. French, marked C (Petition):

TO THE PRESBYTERY OF ELIZABETH:

An affectionate regard for this church has induced me to write a few lines. When I think of the church where has been so much *unity* and *love* I cannot refrain from tears. Our good old deacons, who have taken many anxious sinners by the hand, counseled, and led them to Christ, are now *ignored* for men of the world to discuss the interests of the Church of Christ. God forbid that it should be so! Good Dr. Sheddan said, "Let the people alone; they will settle the matter themselves?' But, no, the Presbytery must put a man in the pulpit. The church, by reason of that decision, suffered harm. Oh, how sad! God be merciful to us—give not thine heritage to reproach, and take not thy Holy Spirit from us. 2

We earnestly desire to have a man over this people that will have the root of the matter within him—that will practice what he preaches, which I will testify Mr. McKelvey has not done. Oh, that our pulpit was vacant! then we could love one another as we always have before the barrier was forced in our path. The sooner the relation is dissolved the better for the church. To be united in what is right is easy, but what is wrong is hard to reconcile. We want sinners converted and brought to the Saviour; but not to have men of the world rule over the church, as has been done for some months past. God grant the Holy Spirit may rest upon the people, now and forever, is the sincere prayer of this writer. My heart beats with emotion while I pen these lines. 3

Thanks be to God, we have a throne of grace where we may plead our cause.

But we ask help from you also as a Committee or Presbytery. You say, be united. How can we, if the strong pillars of church are not to have their place? I have been a member of this church for many long years, and I have never seen its foundation so fearfully shaken. The pillars are moved out of their place and the church trembles. 4

From a sister in the Church,

MRS. P FRENCH.

WESTFIELD, November 22, 1874.

† See Appendix, Exhibit Y.

These letters your petitioners submit are only an intimation of the sad condition of things in the Parish of Westfield.

1 Parents tremble in view of the unwholesome influence of this controversy over their children, who have been taught to reverence the minister of the parish.

Parents absent themselves from the Communion and from the services of the church and lecture-room—apply to neighboring clergymen to visit their sick, baptize their children, and marry their daughters. Families* themselves are divided, and alienations are ripening into that which does not become either neighbors or Christian brethren.

2 Your petitioners submit that Christian ministers and elders with your extended experience need only reflect to follow out to a more serious and deplorable condition of things the suggestions above submitted.

Is it not clear beyond question, brethren of the Presbytery, that one man, one man *alone*, is the present cause of all our troubles? What subject of contention would remain if Mr. McKelvey were to resign his position, and the Presbytery of Elizabeth were to send us as stated supply, for six months or a year,—a discreet
3 Presbyterian minister—a peace-maker—a kind-hearted Christian shepherd?

During the progress of the labors of your Presbyterial Commission, appointed at your last meeting, one of its members, Rev. Mr. Bliss, was appointed by his associates to preach a sermon to the Westfield congregation, pending an adjournment of the Commission, conciliatory in its bearing. (It was during the week the minority and majority were to hold a joint meeting mentioned above.)

Mr. Bliss did preach on "The Eleventh Command-
4 ment," and his sermon reached the heart and won the admiration of every hearer, as your petitioners believe. It was a sermon for each, a sermon for all, majority and

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* See Exhibit W, Appendix.

minority, and entirely free from bias. This sermon was preached November 22.

The following morning Mr. McKelvey, in strange contrast with the spirit of the sermon and the spirit of our neighbors and brethren, uttered the following, as we are informed and believe. [See original certificate annexed,* (marked D. Let certificate be read.)] 1

We pass this utterance without comment. The Presbytery are competent to give it proper significance.

Your petitioners further show that the great success claimed by Mr. McKelvey in his report at Pluckemin, and before the Presbyterial Commission, is seriously explained away by the brief† of Mr. John T. Lawrence on file with the Commissioners. (See brief.) 2

Your petitioners further urge the Presbytery to examine the brief of Mr. James O. Clark,‡ now on file with the Commissioners, as to the alleged inconsistency between statements of Rev. Mr. McKelvey made at different times to different persons, and which are by some characterized as *prevarications.*

Your petitioners further show that a proposition was made by the minority in good faith, and urged before the Commissioners, as follows:

"Let the Commissioners report in favor of a dissolution, the parish to commence *de novo*, and Mr. McKelvey to be a candidate." 3

The proposition was resented by the majority, with some appearance of indignation. It was declared an insult to the majority and to Mr. McKelvey.

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* The following is the certificate (*marked with papers on file*):

D.

(A remark of Mr. McKelvey's to a member of the majority, Monday, A. M., Nov. 23, as overheard by a bystander in Mr. James Pierson's store):

"Well, how do those *fellows* feel after that sermon? Keep up good courage, we shall beat them yet." 4

Tuesday, November 24, 1874. MARY E. GOODRICH.

† See Exhibit R, Appendix.

‡ See Exhibit S, Appendix.

Your petitioners submit that it should be regarded quite otherwise, and urged before the Commissioners, the majority being present, that such a proposition, un-
1 der the existing state of things, is eminently fair—for, if Mr. McKelvey is rightly and fairly the pastor, and the people would re-elect him, and the Presbytery authorize the prosecution of the call, and install him again by a vote of 15 to 14, then the majority and Mr. McKelvey's friends have nothing to fear. This proposition, if acted upon, would secure fairness to both parties, untrammeled by any previous irregularities — that is, bring both parties to a common platform.

Your petitioners urge that, under the decision of
2 Synod, the case stands before the Presbytery to-day, *de novo*, for the exercise of your discretion.

Your petitioners earnestly pray the Presbytery to vote this day on the question, *Is it expedient* to continue this relation? Let us have one expression of this judicatory on the question of expediency.

We, your petitioners, have heretofore complained to you, and you have granted us no relief.

We have petitioned to you, and our petition was filed away unread and unanswered.

3 We have appealed, and by direction of a Court superior we are before you again urging our petition and complaint.

We have made overtures both to the Presbyterial Commission and to the majority, and no counter proposition has been tendered us.

The venerable and respected Dr. Sheddan, to the last moment of his life, pleaded for us before the judicatories of the Presbyterian Church, and in his deliriums at the very portals of eternity argued the case of the minority at Westfield, recording his prayers for us up to the
4 moment of his dissolution, and we are still left without relief at your hands.

We implore that we may not be left without redress longer. Grant us relief to-day.

Dissolve this pastoral relation, and dissolve it at once, we implore you.

Dissolve it, because it was improperly created, as the Synod have unanimously declared. 1

Dissolve it, because more than one-third of the church and congregation opposed its creation, and oppose its continuance.

Dissolve it, because it was founded in injustice, as we sincerely believe, and remains a hardship we are unable to endure.

Dissolve it, because it is expedient so to do, and inexpedient to do otherwise.

Dissolve it, because our hopes of reconciliation under the pastorate of Mr. McKelvey are entirely dissipated and abandoned. 2

Dissolve it, in consideration of the whole case, and in view of all its bearings — a divided and disordered church, a divided and inharmonious Session, a Sabbath school divided, divided families, divided social and Christian relations and intercourse.

(See Minutes* of Parish Meeting, January 28, 1874, and resolutions adopted.)

Your petitioners pray for a dissolution, and will ever pray. 3

WESTFIELD, N. J., Dec. 3, 1874.

CHAUNCEY B. RIPLEY,
FREDERICK A. KINCH,
JOHN T. LAWRENCE,
JAMES O. CLARK,

On behalf of the minority of the church and congregation of the Presbyterian Church.

EPHRAIM CLARK,
HENRY BAKER,
JOSEPH CORY,
F. R. BAKER,
} *Elders.*† 4

° Exhibit H, Appendix.

† Exhibit U, Appendix. The Eldership equally divided.

APPENDIX.

EXHIBIT AA.

ADMISSION OF SERVICE OF APPEAL AND COMPLAINT.

WESTFIELD, N. J., December 17, 1874.

Rev. W. C. Roberts, D. D., Moderator, etc.:

DEAR SIR,—We send you by bearer, for service on you, Appeal and Complaint of the Westfield Presbyterian Church Minority.

Please signify in writing, through the messenger, your receipt of the same, and oblige,

Yours truly,

CHAUNCEY B. RIPLEY,

For the Minority.

The Appeal and Complaint of Chauncey B. Ripley, Esq., F. A. Kinch and others was received by me this 17th day of December, 1874.

WM. C. ROBERTS.

EXHIBIT A.

POSTAL CARD OF JUNE 24.

SIDNEY, N. J., June 24, 1874.

UNITED STATES
POSTAL CARD.

To Rev. W. H. Roberts, Crandford, N. J.:

A Special Meeting of the Presbytery of Elizabeth will be held on Tuesday, July 7th, at 10 A. M., in Westminster Church, Elizabeth, N. J., for the purpose of considering, and if the way be clear, of acting, upon the application of the church at Westfield for placing a call in the hands of Rev. Alexander McKelvey to become pastor of said church, and of transacting any business connected with said call.

J. G. WILLIAMSON,

Moderator

EXHIBIT B.

POSTAL CARD OF JULY 2.

UNITED STATES
POSTAL CARD.

To Isaac H. Pierson, Esq,, Westfield, N. J.:

SIDNEY, N. J., July 2, 1874.

MR. ISAAC H. PIERSON, ESQ.—DEAR SIR,—I called a Special Meeting of Presbytery of Elizabeth to be held in Lecture Room of Westminster Church, Elizabeth, on July 7 (Tuesday) at 10 A. M., and sent a notice of it

to your Session, mailing it on June 23d. I am sorry that you did not receive it. Please accept this as a second notice. By direction of Stated Clerk of Presbytery, I sent former notice to Levi Cory, Esq. 1

I remain,

Yours respectfully,

J. G. WILLIAMSON.

EXHIBIT C.

CERTIFICATE OF ISAAC H. PIERSON, STATED CLERK, JULY 4. 2

I hereby certify that I am the Stated Clerk of the Session of the Presbyterian church, Parish of Westfield, Presbytery of Elizabeth.

I also certify that I was appointed at the parish meeting, June 11, 1874, to subscribe the call to Rev. Alexander McKelvey as a member of the Session. That I have received no official notice from the Presbytery of the proposed meeting of that body on the 7th of July until July 2d, and did not know officially that such meeting was called till Tuesday, 30th inst., when I saw the notice of Rev. W. H. Roberts. 3

Dated July 4, 1874.

ISAAC H. PIERSON.

4

EXHIBIT D.

COMPLAINT OF THE MINORITY OF THE WESTFIELD CHURCH AND CONGREGATION AGAINST THE ACTION OF THE MODERATOR, REV. E. KEMPSHALL, AT A PARISH MEETING HELD IN WESTFIELD, N. J., JUNE 11, 1874.

THIS COMPLAINT WAS HEARD JULY 7, 1874, AT A MEETING OF THE ELIZABETH PRESBYTERY IN WESTMINSTER CHURCH, ELIZABETH.

To the Presbytery embracing the Parish of Westfield, New Jersey:

The subscribers, members of the Presbyterian church and congregation of Westfield, N. J., complain and allege—

That the proceedings had at a parish meeting held on Thursday, June 11, were irregular, and calculated to promote discord and impair the best interests of the church, for the following reasons, to wit:

1. No sufficient endeavor was made by the Moderator to dissuade the congregation from prosecuting the election of a pastor after it appeared that a large minority of the people were averse from the candidate in the majority.

The course adopted being contrary to the fifth section, Chapter XV of the Book of Government.

A certified copy of Minutes* (here offered in evidence) fails to show the utterance of a word by the Moderator with a view of dissuading the majority. As matter of fact, there was not a word uttered, as the book requires.

While the same Minutes (Ex. E) show that the Moderator delivered himself of two exhortations to the minority, urging them "to renounce individual preferences

* Exhibit E, Appendix, Minutes of meeting of July 7.

and accept the candidate chosen by the majority" (Ex. E)—"to let their affections for this church of historic memories rise above individual preferences, go home and submit to the orderings of Divine Providence," etc. (Ex. E). 1

The Minutes (Ex. E) show that the majority was not large, being the difference between 117 and 88—only 29.

There is no evidence in the Minutes themselves, nor was such the fact, that the majority insisted upon their right to call their candidate. Besides, the Moderator was urged to dissuade the congregation from pressing the candidate of either party by Chauncey B. Ripley, who voted for neither Mr. McKelvey nor Mr. Crittenden; and the ruling of Rev. Dr. Sheddan at a former parish meeting was cited as a precedent in conformity with the rule under Sec. 5, Chap. XV., referred to. Mr. Ripley cited that case, urging that the candidate, Mr. McKelvey, was a candidate at that meeting, January 28, 1874, and that the majority for him was about the same, compared with the number of votes cast, and that, according to the Book of Government and the ruling of Dr. Sheddan,* it was clearly the duty of the Moderator to endeavor to discourage a call. 2 3

The Moderator neglected so to do.

The Minutes of the previous meeting were called for by Mr. ———, and the former clerk, Dr. Kinch, offered to read them, but the Moderator ruled them out.

The Minutes are offered in evidence, and marked Exhibit A.†

A resolution adopted in that meeting, and contained in those Minutes, was important, showing that Mr. McKelvey was discharged as a candidate for the pastorate of Westfield church, and another resolution that the call be prosecuted no further.‡ 4

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* See Exhibit H, Appendix—Minutes of January 28 meeting.

† Marked Exhibit H in Appendix. See pages 62 and 63.

‡ Page 63, *post*.

2. The motion to make unanimous the majority vote proceeded from one of the majority, and was seconded by one in the majority also (Dr. Sheddan suggested that
1 minority should make the motion). The motion was made by Mr. Effingham Embree, who voted in the majority, and was seconded by Mr. Jonathan Cory of the majority. It was urged by one of the congregation that of all the minority, numbering 88 out of 205, there was not one, after the exhortation of the Moderator, to make the motion for unanimity; and that of itself was conclusive evidence that the call should be discouraged.

To this Appeal the Moderator did not respond, except to put the question.

2 Exhibit I, a letter of the Clerk of the Parish Meeting of June 11, shows that the record of that fact, stated above in point 2, was suppressed by order of the Moderator, Dr. Kempshall.

See page 64, *post*, Exhibit I.

Compare also Ex. J (Appendix), a true copy of the original Minutes, with Ex. K (Appendix).

3. There was no unanimity in the vote recorded as unanimous to elect a pastor, such vote being shown to
3 embrace not more than two from the minority—the majority vote being 117 on the first ballot, and only 119 on the ballot to make it unanimous (Ex. K and Ex. J).

Unanimity is not implied where the vote stood as in this case. It can hardly be said to *approximate* to unanimity.

4. No opportunity was given to members of the congregation to express their views on the subject of salary, and undue haste was indulged in making out the call and fixing the salary.

4 Rule of General Assembly, No. 18. Moore's Pres. Dig., 206.

Chauncey B. Ripley, a member of the congregation, and a legal voter, arose after the motion was made to

fill in $2,500 as the salary, and, addressing the Moderator, asked if any remarks were allowable on any of these motions. The Moderator answered "No."

The ruling *implies* undue haste.

The General Assembly will not sustain the action of an inferior judicatory where they have been precipitate, and not observed the constitutional rules. 1

Case of Mr. Arthur.—Moore's Pres. Dig., (last edition) p. 571, No. 11.

The right of petition, and the right of freedom of speech is recognized by the General Assembly of this church in the case of Dr. Neill (Moore's Pres. Dig., p. 542), and the Committee refuse to discuss it, as being an established principle not requiring proof. 2

5. The parsonage was added to the salary by direction of the Moderator (Dr. E. Kempshall) without the vote of the people (Exhibit K, Appendix).

The Synod and General Assembly have recommended to congregations that they provide a glebe and parsonage for their pastor, and a liberal support—that their salaries be made adequate to their needs, and paid with honorable promptitude, but there is no *authority* assumed on the part of the Presbytery, nor any *orders* made in any recorded case.

The Presbytery have no authority to add parsonages to salaries, and could therefore delegate none. 3

The title to the use of the parsonage, if acquired at all, must be acquired through those who hold the title, viz., the corporate church organization.

Dr. Kempshall's pretended grant is therefore a *nullity*, and Mr. McKelvey has no title. He must acquire it in the ordinary way by grant of the people.

6. Illegal votes were cast by those not entitled to vote under the rules, and the votes of persons counted who did not cast them. 4

Exhibit K shows 208 votes cast and only 206 names recorded.

The votes of those persons specified in Dr. Kinch's
1 brief* were not pew-holders in good faith.

Mr. Squier Pierson arose to inquire the sum named as salary, and was counted while making the inquiry. Witness, John T. Lawrence, Supervisor of Election.

For other cases of illegal voting, see Dr. Kinch's brief.*

7. After it was demonstrated that unanimity could not be secured, the Moderator refused to entertain a resolution that we were not ready for an election.

The motion was made by Chauncey B. Ripley, and
2 seconded by John T. Lawrence.

The motion was in the nature of a motion to reconsider the first motion, and was therefore a privileged question.

American Debater, p. 119.

The ruling was in conflict with parliamentary rules, with the Book of Government, Sec. 5, Chap. XV, and with the ruling of Dr. Sheddan at a former meeting, January 28, 1874.†
3

8. The Moderator denied the privilege to those entitled to vote to make remarks on several questions submitted to the congregation for ballot.

On the motion to fix the salary at $2,500, the Moderator was asked by Chauncey B. Ripley if any of the motions being made were debatable, and was answered *no* by the Moderator.

9. The candidate in the majority was not properly
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* Brief of Dr. F. A. Kinch, used by him in his argument before Presbytery of Elizabeth, July 7. See Appendix, Exhibit L.

† That it became the Moderator's duty to endeavor to dissuade in case of large minority.

before the congregation, he having been once presented on a former occasion, and dropped by unanimous consent, and the Session having refused to present his name a second time. 1

(Error—The majority was a trifle greater at the last meeting).

The Minutes (Exhibit H, Appendix) show that Mr. McKelvey was discharged as a candidate—that his election was to be prosecuted no farther.

There is no good reason shown for his presentation a second time.

It was unfair to the Camp faction, and in bad taste as to the candidate.

From all the proceedings at such meeting, for the reasons given above, and others that may appear, we respectfully appeal to your body for redress. 2

CHAUNCEY B. RIPLEY,

*On behalf of the Minority.**

June 13, 1874.

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* The minority at the time numbered one hundred and twenty-four. See also Exhibit G, Appendix.

Dr. F. A. Kinch also appeared before Presbytery July 7, and submitted brief. See Exhibit L, *post*. 3

Mr. John T. Lawrence was also heard on behalf of the minority on that occasion.

EXHIBIT E.

MINUTES OF PRESBYTERY, JULY 7, 1874.

MINUTES OF THE PRESBYTERY OF ELIZABETH HELD JULY 7, 1874, OMITTING ORGANIZATION AND THE ROLL.

The call for the meeting was then read, the purpose being to consider, and if the way be clear to act upon, the application of the church at Westfield, N. J., for the placing a call in the hands of Rev. Alexander McKelvey to become pastor of said church, and of transacting any business connected with said call. The church at Westfield was represented by the following named persons as commissioners: E. M. Pierson, Orrin Pierson, Levi Cory, A. S. Clark, who presented to Presbytery the Minutes of the parish meeting held in the church at Westfield, June 11, 1874, the Minutes of the joint meeting of the elders and trustees, authorizing the commissioners to represent the church, and the call to the Rev. Alexander McKelvey. The papers as presented were read,

On motion,

Resolved, That the minority of the church be heard by their representatives, C. B. Ripley, C. A. Kinch,* and Mr. Lawrence.

Mr. Ripley objected to the legality of the present meeting of Presbytery, on the ground of insufficient notice to the church at Westfield.

The Moderator decided that sufficient notice had been given, inasmuch as one of the elders of the church had been notified by him of the meeting of Presbytery more than ten days previous to its convening.

Exception was taken by Mr. Ripley to the ruling.

* Should be Dr. F. A. Kinch.

The representatives of the minority then presented their complaint protesting against the settlement of Rev. Alexander McKelvey over the church at Westfield, and explained its point. 1

Dr. Kempshall made a full statement to Presbytery of the part taken by him, first as Moderator of the meeting of Westfield Session, June 2, 1874,* and, second, as Moderator of the parish meeting of the church, June 12, 1874.

The following resolutions were then moved and seconded:

Resolved, 1. That the call of the Westfield church and congregation for the pastoral services of the Rev. Alexander McKelvey has been regularly made, and is found to be in order. 2

2. That the commissioners bearing the call to Presbytery have leave to prosecute the same.

After discussion, a division of the question being called for by the requisite number of persons, the vote was taken on the resolutions separately. The first was carried unanimously; and the second was carried by a vote of 16 in the affirmative to 10 in the negative. 3

On motion,

Resolved, That the Rev. Alexander McKelvey be invited to appear in person before Presbytery, and that the commissioners of Westfield church have leave to place the call in his hands.† Mr. McKelvey appeared before Presbytery, and upon receiving the call stated that he was not then able to decide as to its acceptance.

Notice being given by the minority of their intention to appeal to the Synod of New Jersey against the action of Presbytery in authorizing the prosecution of a call to the Rev. Alexander McKelvey to become pastor 4

* See Exhibit U, *post*.

† Motion by Dr. Kempshall. See Point VII, page 22 above.

of the church at Westfield, Drs. Kempshall and Plumbley were appointed a committee to defend such action before Synod.

1 The minority requested a stay of proceedings until after the hearing of the appeal to Synod.

On motion,

Resolved, Whereas the minority of Westfield church have asked a stay of proceedings, therefore, resolved: that this body decline, at this time, to grant their request.

On motion, Presbytery adjourned.

2 The above is a correct copy of the Minutes of the Presbytery of Elizabeth, July 7, 1874.

JOHN C. RANKIN,

Stated Clerk.

Basking Ridge, N. J., July 15, 1874.

EXHIBIT F.

3 CERTIFICATE OF DR. RANKIN, STATED CLERK OF PRESBYTERY OF ELIZABETH.

I hereby certify that at the meeting of the Presbytery of Elizabeth held on the 7th of July in the city of Elizabeth, objection was taken by Chauncey B. Ripley to the voting and other participation of Rev. Dr. Kempshall, on the ground that he was an interested party, and a member of the judicatory whose action was under review. That notwithstanding such objection, duly made and taken, the said Dr. Kempshall participated largely in the discussions and voting.

4 I also certify that Dr. Sheddan, of Rahway, also a member present, objected to the proposed delivery of the call to the Rev. Alexander McKelvey on that occasion, as being premature, for the reason that the Rev.

Alexander McKelvey was not a member of our Presbytery, and that he was a member of some Classis of the Dutch Reformed Church, and that such delivery of the call would be irregular, according to the rules and practice of the two churches. 1

The above statement, drawn up by Mr. Ripley, I hereby sign and certify to be substantially correct, according to my recollection.

JOHN C. RANKIN,
Stated Clerk.

BASKING RIDGE, N. J., July 15, 1874.

2

EXHIBIT G.

REPORT OF COMMITTEE OF MINORITY TO MR. McKELVEY, AND NOTICE OF INTENTION TO APPEAR BEFORE PRESBYTERY.

WESTFIELD, N. J., June 22, 1874.

To Rev. Alexander McKelvey:

DEAR SIR,—The minority of the parish meeting of the Presbyterian Church recently held for the purpose of 3 electing a pastor, met on the 20th inst., and organized by the election of a president and secretary, and appointed a committee to report to you the action of the minority since the parish meeting.

The committee thus appointed request me to submit the following as their report:

Since the 13th inst., the inclosed appeal to the Presbytery* has been circulated among the members of the church and congregation, and has been subscribed by one hundred and twenty-four persons—all entitled to vote under the rules laid down at the parish meeting. 4 The paper is still in circulation, and the number of sig-

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* *i. e.* The points given on pages 52 to 57 inclusive, *ante*.

natures will be somewhat increased, as we have good reason to believe.

It is proposed by the minority to appoint from among
1 their number Commissioners to attend the next meeting of the Presbytery and present this Appeal, and urge the points therein set forth.

It is the unanimous conviction of the minority that it is a duty they owe to themselves and to you, that their action be thus reported and made known, and that you have due notice of our intended application to the Presbytery to set aside the election on the grounds set forth in paper inclosed.

Very respectfully,

2 ROBERT FRENCH,
JOHN T. LAWRENCE, } *Committee.*

CHAUNCEY B. RIPLEY, *Chairman.*
CHARLES A. KINCH, *Secretary.*

The foregoing Report and Notice was served personally on Mr. McKelvey a week or more before the meeting of Presbytery on the 7th July following.

Along with it was also served a copy of the points contained in Exhibit D, *supra*, page 52.

3

EXHIBIT H.

MINUTES OF PARISH MEETING OF JANUARY 28, 1874.

At a special parish meeting, called by the Session of the Presbyterian Church in Westfield, New Jersey, agreeably to notice, held in the church on Wednesday, January 28, 1874, for the purpose of electing a pastor for
4 said church:

The Rev. S. S. Sheddan, of Rahway, presiding as Moderator, opened the meeting with prayer.

On motion,

Resolved, That Dr. F. A. Kinch be chosen as secretary of said meeting. 1

On motion,

Resolved, That the meeting proceed to elect a pastor.

Nominations were announced by the Moderator to be in order.

The Rev. Alexander McKelvey and Rev. Edward H. Camp were nominated as candidates.

On motion,

Resolved, That Messrs. Addison S. Clark, Francis R. Baker and William W. Baker act as tellers in this election. 2

After the election, and the votes counted, it was announced by the tellers that there had been ninety-eight votes cast, of which Rev. Alexander McKelvey had received fifty-five, and the Rev. Edward H. Camp had received forty-three votes.

On motion,

Resolved, That the church and congregation prosecute the call for these two candidates no further. 3

On motion,

Resolved, That these two candidates, viz., Rev. Alexander McKelvey and Rev. Edward H. Camp be discharged as candidates for the pastorate of this church and congregation.

On motion,

Resolved, That all church members of this church in good and regular standing, and all pew-holders who contribute their just proportion, according to their own engagements or the rules of the congregation, to all its necessary expenses, shall hereafter be considered legal 4

voters on all questions relating to the election of a pastor.

On motion,

Resolved, That the thanks of this church and congregation be tendered to Rev. Alexander McKelvey and Rev. Edward H. Camp for their able and interesting discourses which they have favored us with.

On motion,

Resolved, That we adjourn.

REV. S. S. SHEDDAN,
Moderator.

F. A. KINCH,
Secretary.

A certified copy.

F. A. KINCH,
Clerk of said meeting.

EXHIBIT I.

LETTER FROM CLERK OF PARISH MEETING OF JUNE 11.

WESTFIELD, N. J., June 13, 1874.

Mr. Isaac H. Pierson (*Stated Clerk of Session*):

DEAR SIR,—Permit me to hand you the certificate of the *Moderator** of our last parish meeting, with the blanks properly filled out as you requested. I do also send a copy of the Minutes of that meeting. Some one may discover an omission after the motion to make the call unanimous. In the original draft of the Minutes appears this item: "The motion was made by a representative of the majority;" but it is omitted from the

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* Dr. Kempshall.

certified copy by the order of the Moderator of the meeting.

Sincerely yours,

CHARLES A. KINCH,

Clerk of Parish Meeting held June 11, 1874.

A true copy.

CHARLES A. KINCH,

Clerk of Parish Meeting.

EXHIBIT J.

FIRST DRAFT MINUTES OF JUNE 11 MEETING.

At a parish meeting held June 11th, 1874, agreeable to call of Session, Dr. Kempshall in chair, opened by prayer, Dr. Charles A. Kinch elected Clerk.

Stated Clerk of Session gave report of Minutes of Session meeting.

Call of meeting read. Moved proceed to election of a pastor of this church. Carried unanimously.

Nomination—S. W. Crittenden (seconded), Alexander McKelvey.

Appointed tellers by motion—William W. Connoly, Joseph S. Clark. Carried.

Order of Session in regard to ballot stated by Moderator. Moved add to tellers to act as supervisors of election, John T. Lawrence, James M. French. Carried.

Ballots distributed and taken. Result announced.

Moderator exhorted the minority to renounce individual preferences, and accept candidate chosen by majority.

Moved call made unanimous (by a representative of the majority).

Ruled this only motion in order.

Ruled that the —— can only get voice of people by a vote to find out how far the minority will yield, and how far majority will insist. Ruled, division.

1 Yeas, 119; nays, 57.

Moved call made out for Alexander McKelvey be pastor of this church. Carried.

Moderator read call with blank dollars, blank day.

How fill blank for salary—moved, $2,500. Called for division.

Ruled all who voted upon the other question may vote on this.*

Yes, 72; no, 63. Carried.

How payments? Semi-annually. By call, wish to add

2 parsonage?

Ruled: subscribe to call by every person—elders and deacons, by trustees or select committee.

Moved by elders and trustees. Carried.

Exhorted affection of this church of historic memories rise above individual preference, and have done duty and submit to Divine Providence.

Moved sincere vote thanks of meeting to Dr. Kempshall for his able—

Adjourned with prayer.

3 Minutes read and accepted.

A true copy.

CHARLES A. KINCH,
Clerk of Parish Meeting.

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* The other question referred to was the question who should be pastor. Compare Exhibits T and U *post*.

4

EXHIBIT K.

MINUTES OF JUNE 11 MEETING, AS REVISED BY DR. KEMPSHALL.

At a parish meeting held June 11th, 1874, agreeable to the call of the Church Session, Dr. E. Kempshall acting as Moderator,

The meeting was opened with prayer.

On motion, Charles A. Kinch was elected Clerk.

The Stated Clerk of the Session gave a report of the Minutes of the meeting of the Session, at which it was decided to call this *parish meeting*.

The call of the meeting was read.

It was moved that we proceed to the election of a pastor for this church. Carried unanimously.

Nominations were in order. Rev. S. W. Crittenden was nominated, and Rev. Alexander McKelvey was nominated. Both these were seconded.

On motion, two tellers were appointed, viz., William W. Connoly and Joseph S. Clark.

The order of the Session in regard to the ballot was stated by the Moderator.

It was moved to add to the *tellers two*, to act as *supervisors of election*. Messrs. John T. Lawerence and James M. French were nominated. Carried.

The ballots were distributed and taken, each voter depositing his ballot at the desk, and having his name recorded.

The result was announced as follows:

For Rev. Alexander McKelvey	117
" " S. W. Crittenden	88
" " G. C. Milne	1
Blank	2
	208

There were but 206 names recorded.

The Moderator exhorted the minority to renounce individual preferences, and accept the candidate chosen by the majority.

1 It was moved that the call be made unanimous.

The Moderator ruled that this was the only motion in order, and that he could get the voice of the people only by a vote; to find out how far the minority will yield, and how far the majority will insist.

A division being had, 119 voted *aye*, and 57 voted *no*.

It was moved that a call be made out for Rev. Alexander McKelvey to be pastor of this church. Carried.

The Moderator read the form of a call, with blank dollars and blank day, and asked, "How will you fill the blank for salary?"

It was moved that the salary be fixed at $2,500. A

2 division was called for.

It was ruled that all who voted upon the other question may vote on this.

The motion was carried by a vote of 72 *ayes* and 63 *noes*.

It was ordered that the payments be made semi-annually.

It was ordered that the use of the parsonage be added.

It was ruled that this meeting may subscribe to the call by every person signing it, or by the signatures of

3 the elders and deacons, or those of the trustees, or of a select committee appointed for that purpose.

It was moved that the call be subscribed to by the elders and trustees. Carried.

The Moderator exhorted all the members of this church and congregation to let their affections for this church of historic memories rise above individual preferences, and go home with the satisfaction of having

4 done their duty, and submit to what seems to be the orderings of Divine Providence.

It was moved that a sincere vote of thanks be tendered to Dr. E. Kempshall for his able, courteous, and

impartial rulings and conduct of this meeting. Carried unanimously.

The meeting adjourned with prayer.

The Minutes were read and accepted.

DR. E. KEMPSHALL.
Moderator.

CHARLES A. KINCH,
Clerk.

"A true copy."

CHARLES A. KINCH,
Clerk.

EXHIBIT L.

BRIEF OF DR. F. A. KINCH,* JULY 7, AS READ BY HIM BEFORE PRESBYTERY OF ELIZABETH.

To the Presbytery of Elizabeth:

We, the commissioners appointed by a meeting of the minority of the late parish meeting held in the Presbyterian church in Westfield, N. J., June 11, 1874, beg leave to present to your honorable body the following reasons for protesting against presenting the call made at the late parish meeting to the Rev. Alexander McKelvey.

1. We protest against the presentation of the call to Rev. Mr. McKelvey, as we do not believe the candidate in the majority was properly before the congregation, he having been on a former occasion before the people, and having been discharged by a unanimous vote of the

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* Dr. Kinch presented substantially the same brief to the Presbyterial Commission in November, enlarged and adapted to that state of the case.

congregation, as the following resolutions fully show—parish meeting held January 28, 1874 :

1 *Resolved*, That this church and congregation prosecute the call for these two candidates no further.

Resolved, That these two candidates, viz., Rev. Alexander McKelvey and Rev. E. H. Camp, be discharged as candidates for the pastorate of this church and congregation.

And further, the Session refused to present his name a second time. He has not been before the congregation to preach, or on any other occasion, since Decem-
2 ber 28, 1873, more than six months ago.

One of the Session, Mr. E. M. Pierson, in a conversation with him last Friday, told me that the Session did not bring him before the people, and that his coming before the church was none of the Session's doings. And on the 4th of July I called on the Clerk of the Session. He informed me that they, the Session and trustees, held a union meeting May 4th, 1874, and Rev. Mr. McKelvey was recommended to the Session by the trustees. There not being a full Session, a committee was appointed to
3 call on the absent members and report at the next meeting, May 8th, 1874, at which time the Session met and adjourned without any action, any further than the committee reported that they had seen Rev. Mr. McKelvey, and he was at leisure, and that the committee had called on the absentees, and two of them did not acquiesce. After much conversation on the state of the church, the Session adjourned.

There being no candidate or supply before the congregation, it was recommended by Deacon Squire Pier-
4 son that Rev. S. W. Crittenden be invited to preach, and after supplying the pulpit one Sabbath, and on being invited to come again on the following Sabbath (which was communion season), Mr. Crittenden asked the committee the question, "Is there any other candi-

date before the people? If so, I would rather you would dispose of him first." The committee told him that there was no other candidate before the people. This was May 31st, 1874 (eleven days before the parish meeting). 1

2. We further protest against presenting the call to Mr. McKelvey on account of illegal votes cast, and other votes of doubtful legality, at the late parish meeting.

Proofs: According to the clerk's minutes, there were 206 names recorded as voters, and 208 ballots counted, *i. e.*, there were two more ballots cast than there were voters. The Moderator ruled that one ballot be taken from each side. We ask, Did that make the election legal?

Illegal votes were cast by the following named persons: Mrs. Isaac Littell, whose husband pays pew rent, and the pew is in his name. She is not a pew-holder, and is not a church member. Mrs. Zopher Hetfield—she has no pew, and is not a church member. 2

Voters of doubtful legality: Charles H. French, Eddie E. French, William C. Terry, and William C. Pierson, whose names were not on the books of the trustees, as given by the collector of the pew rent, twenty-four hours before the time of parish meeting. Edward E. French and William C. Terry, when asked how they came to vote on election at the parish meeting, replied that they had their receipts in their pockets, and that they had rented their seats the night before parish meeting. 3

William C. Pierson is a young man in a grocery store in Cranford—has not been identified with Westfield for four years past. His father has rented his pew ever since the church was built (12 years). And we have good reason to believe that many had rented pews since the first parish meeting who were never before identified with the church and congregation. John H. Leveridge told me about two weeks ago, in my office, that he rented a sitting in the section of his employer, Mr. Moffett, and that he paid Mr. Moffett $2.50 for the sitting 4

for one year, and that Mr. Moffett had charged him with that amount on his books, and that he never made any contract with the trustees for pew rent. He voted at
1 parish meeting.

We protest against the presenting of this call on account of the relative strength of the apparent minority to that of the majority at the parish meeting.

At the late parish meeting there were 206 votes cast. They voted as follows :

	MAJ.	MIN.
Members of Westfield church	73	72
Members of other churches, but pew-holders	4	4
Not church members, but pew-holders	38	15
2	115	91

Total number of votes 206

Taking the Christian families whose united heads are members of the church, we find that their votes represent as follows, as to the number of families :

	MAJORITY.	MINORITY.
Man and wife members	34	37
3 Wife a member and father not	15	15
Non-communicants	19	3

Another proof as to the strength of the church, as to who have been and who continue to be the supporters, or at least doing their full proportion, in sustaining the church and defraying contingent expenses.

By referenee to the subscription book for building the church in 1861, those who subscribed to the church
4 building, and one or other of the parties are living, are as follows—

Those who voted, and who represent the majority, minority, and not voting :

	MAJORITY.	MINORITY.	NOT VOTING.
Subscription...	$1,735	$6,030	$2,350

Ratio is as 1 to 3.48.

And as proof that the minority still continues to support the church, we refer you to the subscription book for an extension to our lecture-room, 1872 and 1873 : 1

Those who voted in the

	MAJORITY.	MINORITY.	NEUTRAL.
Am't of subscription.....	$477.23	$881.25	$852.76

Ratio as 1 to 1.85.

And we further beg leave to refer your body to a voluntary subscription to Rev. E. B. Edgar, on resigning his charge in Westfield : 2

Those who voted in the majority contributed..	$251.00
" " " minority " ..	250.00
Neutral, deceased, or moved away.....	66.50

TAXABLE PROPERTY FOR 1873.

Those who voted in the majority taxed.....	$136,350
" " " minority "	283,775

Ratio as 1 to 2.08. Taken from Assessor's book for 1873. 3

Mr. Moderator, you may ask who pay the most pew-rent. This item I have endeavored to obtain of the trustees. I called on Mr. Orrin Pierson, the collector of pew rents, and a trustee, July 6, 1874, and asked him if he would do me the favor to allow me to go into his feed-store—for there it was he kept his books—that I wished to ascertain the amount of pew rent paid. He answered he could not let me see the books without an order from the trustees. I asked him how I could obtain consent of the trustees. He answered I would have to see the president of the board of trustees, and 4 request him to call a meeting. I asked him who was president of the board. He replied, Mr. William W. Connoly. In a few moments after I saw Mr. Connoly.

I asked him if he was president of the board. He replied he was. I asked him if I could have the privilege of looking through the church books under the direction
1 of the collector, Mr. Pierson. He replied that if Mr. Pierson was a mind to let me have the books, he didn't care anything about it. Whereupon Mr. Pierson replied that in his opinion no one had a right to examine the books unless it was a committee appointed by the parish meeting especially for that purpose. I then asked Mr. Connoly, the president, if he would call a meeting of the trustees. He said "not to-day."*

We further protest against the presenting of this call to Mr. McKelvey, in behalf of one hundred and twenty-
2 eight (128) remonstrants, who have signed their names in good faith; but of this number one hundred and nine (109) are members of the church in good and regular standing, and all the others, although not church members, are pew-holders, sound supporters of the church, and who contribute their just proportion to all the necessary expenses of the church, as their names will fully show.†

Taken from the Session books, we have 238 church members' names on the books; and on examination, we
3 find only 190 active present members among this list. The others are either deceased, out of the place, or so very infirm that they are no longer able to take any part in the church; and we here present to you the names of one hundred and nine regular church members, representing more than one half of the church, as remonstrants to this call.

And, in conclusion, Mr. Moderator, allow me to say, that on this honorable body rests a fearful responsibility. Your decision relative to our much-cherished church in Westfield this day decides, for weal or woe, the future
4 destiny of our church of "historic memory."

We come to you as our only means of redress. We

* See Nixon's Digest 4 ed., p. 803, § 6. See note to Ex. W, Appendix.
† See Exhibit W.

have failed to learn whether the candidate will accept the call or not; but we learn that he has decided to leave it in the hands of Presbytery. The ruling of our Moderator at the late parish meeting was, as I understood him to say, that our remedy was to appeal to Presbytery; and we do appeal to you, and plead with you that you will withhold this call, and permit us to select a man who will unite the hearts of our people and make us all one in Christ Jesus. We therefore leave this appeal in your hands, trusting that you may be guided and directed by the Great Head of the Church to do all things with an eye single to his glory and the prosperity of Zion.

(as submitted by) Dr. F. A. KINCH.

EXHIBIT M.

RECORDS OF STATED CLERK OF ELIZABETH PRESBYTERY.

Extracts from the Minutes of the Presbytery of Elizabeth, Synod of New Jersey, being a Record of all that has been done by this Presbytery from the time of the Meeting of Synod to the present date in regard to the Westfield matter.

Basking Ridge, N. J., March 22, 1875.

SYNOD'S ACTION ON COMPLAINT OF REV S. S. SHEDDAN AND APPEAL OF C. B. RIPLEY, ETC.

Elizabeth, N. J., Nov. 9th, 1874.

The Stated Clerk submitted to Presbytery a certified copy of the action of the Synod of New Jersey at its late meeting in the City of Camden, touching the Complaint of the Rev. S. S. Sheddan and others, and the Appeal and Complaint of C. B. Ripley and others, which had been submitted to that body. Said action is as follows, viz.:

Extract from the Minutes of the Synod of New Jersey, in session at Camden, October 23, 1874.

1 The committee appointed to bring in a Minute setting forth its decision, and the grounds thereof, in the case of the Complaint of the Rev. S. S. Sheddan and others, presented a report which was accepted.

The parties in Judicial Case No. 3, which was the Appeal of C. B. Ripley and others from the decision of the Presbytery of Elizabeth, touching the same matters of which Dr. Sheddan and others had complained, expressed their assent to this report, whereupon it was adopted, and is as follows:

2 The Synod sustains the Complaint and the Appeal, the force of this judgment being not to reverse the action of the Presbytery of Elizabeth, and declare the proceedings void; but the Synod judge that the Presbytery was irregular and unduly hasty in its action in the matter of the installation of the Rev. Mr. McKelvey and in disregarding the rights and privileges of the minority of the congregation of Westfield, and also the opinion of the minority of Presbytery.

In view of all the facts, the Synod directs the Presbytery of Elizabeth to reconsider its action in this whole matter, and after giving a full hearing to the majority and the minority of the congregation of Westfield, to determine whether the pastoral relation of the Rev. Mr. 3 McKelvey to the church of Westfield shall be continued or dissolved.

A true extract. Attest,

J. B. DAVIS,
Stated Clerk.

WESTFIELD MATTERS RECONSIDERED — ACTION IN REGARD TO.

The above extract was read, whereupon it was

Resolved, That this Presbytery, in accordance with the 4 direction of Synod, now "reconsider its action in the whole matter" of the calling and installation of the Rev. Alexander McKelvey over the congregation of Westfield, with a view to the hearing ordered above.

Inquiry was then made by the Moderator whether the majority and the minority of Westfield congregation are present by their representatives, and ready to be heard at this time. Representatives of the majority reported themselves present and ready to be heard. Those of the minority were present, but not ready to be heard.

On motion, it was

Resolved, That a committee of five be appointed, to consist of the Moderator as chairman, and of two other ministers and two ruling elders, one of each class to be chosen from the majority and the minority of Presbytery, respectively, upon this question. This committee shall confer with representatives of the majority and minority of Westfield congregation, and if no adjustment of existing difficulties be agreed upon at such conference, shall have power, in conjunction with the Session of Westfield church, to call a parish meeting to ascertain the sense of Westfield congregation as to the continuance of the present pastoral relation, and shall report the whole proceedings to Presbytery at a meeting to be held on Monday, Dec. 7, 1874, at ten o'clock A. M., in the lecture-room of Westminster Church, Elizabeth.

COMMITTEE ON WESTFIELD MATTERS.

The committee appointed under the above resolution consists of the following persons, with their alternates respectively, viz.:

Rev. W. C. Roberts, D. D., chairman; Rev. T. S. Brown, with W. H. Roberts, alternate; Rev. J. C. Bliss, with J. De Hart Bruen, alternate.

Ruling Elders: Samuel Milliken, with N. U. Voorhees, alternate; T. H. Shafer, with —— Williams, alternate.

ELIZABETH, N. J., December 7, 1874.

Presbytery met, according to adjournment, at 10 o'clock A. M., in the Westminster Church, and was
1 opened with prayer.

In view of the solemn interests depending on our action at this time, fifteen minutes more were spent in devotional exercises. * * * * * *

REPORT OF COMMITTEE ON WESTFIELD.

The report of the committee appointed on the 9th of November to visit the Westfield church was presented and read, together with all the papers pertinent thereto.

Resolved, That this report be accepted.

2

PETITION FROM WESTFIELD—PETITION REFERRED.

In connection with this report, a petition for the dissolution of the pastoral relation of the Rev. Alexander McKelvey with the church and congregation of Westfield was presented on behalf of the minority of the Westfield church.*

On motion, this petition was referred to the existing committee on Westfield for consideration, and the committee had leave to retire. The Moderator being chair-
3 man of this committee, requested the Rev. Mr. Street to preside during his absence.

PETITION FROM WESTFIELD ANSWERED.

2:30 P. M.—The committee to whom the petition of certain members of the church and congregation of Westfield had been referred presented their report, which was accepted and adopted, and is as follows, viz.:

Your committee having carefully read the petition referred to them, and the accompanying papers, find the same to be a petition for the dissolution of the pastoral relation; but whereas they recite at great length the
4 statements already made before your committee, and whereas it was agreed that the representations made be-

* Petitions found on page 34 *et seq.* above.

fore the committee should be final, and whereas the substance of these statements has been fully given to Presbytery in the report of the committee read this morning; therefore we do not deem the reading of these papers advisable, but recommend that they be received and placed on file.

WILLIAM C. ROBERTS,
Chairman.

MAJORITY AND MINORITY HEARD—HOUSE CLEARED—WESTFIELD CONSIDERED.

The following resolutions were then adopted, viz.:

Resolved, 1. That, in the judgment of this Presbytery, the majority and the minority of Westfield congregation have been fully heard.

2. That we now go into secret session, while deliberating upon the report of our committee.*

The Moderator accordingly requested all persons present, and not being members of this body, to withdraw, which they did.

Presbytery then proceeded to the consideration of the report of the committee on the Westfield church, when the following preamble and resolutions were presented, viz.:

PREAMBLE AND RESOLUTIONS OFFERED.

Whereas, The Synod of New Jersey has directed the Presbytery to reconsider its action in the whole matter of the call and installation of the Rev. Alexander McKelvey, and thereafter to decide whether said relation shall be continued or dissolved.

And whereas, this Presbytery has carefully and fully reconsidered the whole matter; therefore,

Resolved, 1. That, in the judgment of the Presbytery, the pastoral relation now existing between the Rev. Alexander McKelvey and the church at Westfield should be and hereby is continued.

---

* On motion of Rev. E. Kempshall.

2. That, in view of irregularity as to including the use of the parsonage in the salary of Mr. McKelvey, the congregation be instructed to reconsider this matter at their next annual parish meeting, and take the proper action for including the use of the parsonage in the salary.

3. That the thanks of the Presbytery are hereby tendered to our committee for the faithfulness and earnestness with which they have performed their duties.

Recess until 7½ o'clock.

7½ o'clock.—The entire evening session was devoted to the consideration of the above resolutions.

Adjourned till to-morrow morning 9:15 o'clock.

Closed with prayer.

ELIZABETH, N. J., Dec. 8, 1874, 2 o'clock P. M.

* * * * * * * * *

WESTFIELD RESUMED—RESOLUTIONS ADOPTED.

The consideration of the resolution relating to Westfield was resumed. After much discussion, the previous question was called for and ordered.

The vote was then taken, when the first resolution was adopted by a majority of twenty-five to fifteen, and the second and third resolutions unanimously.

Recess until 7:30 P. M.

7:30 P. M.

* * * * * * * * *

C. B. RIPLEY'S PAPER DISPOSED OF.

A paper purporting to be an Appeal and Complaint of C. B. Ripley and others against the action of the committee of this body touching the affairs of Westfield church and congregation, was presented and read, and in relation thereto it was

Resolved, That this Presbytery having had the report and the action of their committee thoroughly under review, having approved of the same, and having taken action in regard to the difficulties at Westfield in accordance with the letter and spirit of the direction of Synod, finds nothing in this paper which requires or justifies further action. 1

DISSENT AND PROTEST FROM WESTFIELD DISPOSED OF.

The committee on the difficulties at Westfield, in connection with their report, presented also a Dissent and Protest of the minority of said church against their proceedings; and with it their answer to the same. In relation thereto it was 2

Resolved, That, having heard these papers, all the action required is to place them on file with the Stated Clerk; which is hereby ordered.

SUNDRY PAPERS PUT ON FILE.

The Stated Clerk was instructed also to preserve in the same manner the report of the committee on Westfield, the Minutes of their several meetings, and the Minutes of the parish meeting of Westfield congregation held at their request. Also the two documents from the minority above disposed of, viz.: The Petition for the Dissolution of the Pastoral Relation, and the alleged Appeal and Complaint against the proceedings of the Committee. 3

On comparison of the above extracts made by Dr. Charles A. Kinch from the Minutes of Presbytery in my possession, I find them to be correct.

JOHN C. RANKIN, 4

Stated Clerk Presbytery of Elizabeth.

Basking Ridge, N. J., March 22, 1875.

EXHIBIT N.

MINUTES OF PRESBYTERIAL COMMITTEE OR COMMISSION.

WESTFIELD, N. J., November 19, 1874.

The committee appointed by the Presbytery of Elizabeth at its session November 9th, in the lecture-room of the First Church at Elizabeth, under the order of the Synod of New Jersey, directing the Presbytery "to reconsider its action in the whole matter of the call and installation of the Rev. Alexander McKelvey over the congregation at Westfield," met in the lecture-room at Westfield, on Thursday, Nov. 19, at 2 o'clock, P. M.

There were present as follows:

Rev. W. C. Roberts, D. D., chairman; Rev. John C. Bliss, Rev. Theo. S. Brown, Elder Samuel Milliken, Elder T. Shafer.

The meeting was opened with prayer by Rev. J. C. Bliss.

Rev. Theo. S. Brown was chosen clerk.

The chairman then read the resolution of Presbytery by which the committee was appointed, and which is as follows:

Resolved, That a committee of five be appointed, to consist of the Moderator as chairman, and of two other ministers, and two elders (one of each class chosen from the majority and the minority of Presbytery, respectively, upon the question), this committee to confer with the representatives of the majority and minority of Westfield congregation, and, further, if no adjustment of existing difficulties be agreed upon at such conference, that the committee then, in conjunction with the Session, call a parish meeting to ascertain the sense of the Westfield

congregation as to the continuance of the present pastoral relation—the committee to report the whole proceedings to Presbytery at a meeting to be held December 7, 1874, at 10 o'clock A. M., in the Westminster Church, Elizabeth.

Committee: Rev. W. C. Roberts, D. D.; Rev. Theo. S. Brown, and W. H. Roberts, alternate; Rev. John C. Bliss, and J. D. Bruen, alternate; Elders S. Milliken, and N. W. Voorhees, alternate; Elders T. Shafer, and Job Williams, alternate.

The committee adopted the following rules of procedure:

Rule I.—That no person be allowed to be present but the several commissioners who may be appointed to represent the majority and the minority respectively of the Westfield congregation.

Rule II.—That four commissioners be heard in behalf of the majority and minority respectively.

Rule III.—That the commissioners of the minority be first heard in full, and afterwards the commissioners of the majority, after which hearing the commissioners shall retire.

Mr. Chauncey B. Ripley, presented the certificate of the appointment of the following commissioners to represent the minority, viz.: Chauncey B. Ripley, Frederick A. Kinch, M. D., John T. Lawrence, James O. Clark.

Mr. Charles W. Beebe presented the certificate of the appointment of the following commissioners to represent the majority, viz.: Charles W. Beebe, William W. Baker, Addison S. Clark, Squier Pierson, Evert M. Pierson as alternate for Squier Pierson. The alternate was present as commissioner.

Mr. C. B. Ripley and F. A. Kinch, M. D., were first heard in behalf of minority.

Pending the hearing, the committee took recess for tea from 6 to 7 o'clock, P. M.

1 Seven o'clock P. M.—Mr. C. B. Ripley, J. T. Lawrence, and James O. Clark were heard until hour of adjournment at 9:45 P. M.

The committee adjourned to meet on Friday, Nov. 20, at 2 P. M., in the same place.

WESTFIELD, Nov. 20, 1874, 2 P. M.

The committee met agreeable to adjournment, in the lecture-room at Westfield at 2 P. M., and prayer was offered by Rev. Theo. S. Brown.

2 There were present all the committee and all the commissioners.

After a few remarks by the minority, Messrs. Charles W. Beebe, W. W. Baker, A. S. Clark, and E. M. Pierson were heard in behalf of the majority.

Pending the hearing, the committee took recess for tea from 6 to 7 o'clock P. M.

Seven o'clock P. M.—After recess, Mr. E. M. Pierson was heard to a conclusion. By vote of the committee,
3 Mr. C. B. Ripley was further heard as to new matter introduced.

Mr. Charles W. Beebe was also heard to the same extent.

The committee having heard all the commissioners to their entire satisfaction, urged upon them to endeavor to come to some agreement among themselves. The suggestion was well received, and by agreement a meeting of conference was appointed Nov. 24, P. M.

The committee adjourned to meet in the lecture-room Nov. 27, 2 o'clock P. M.

4

Friday, Nov. 27, 1874.

The committee met according to adjournment in the lecture-room at 2 P. M. Prayer was offered by Elder Milliken.

There were present all the committee, as follows: Roberts, Bliss, Brown, Elders Milliken and Shafer, and all the minority and majority commissioners.

Mr. C. B. Ripley reported that at a meeting of the minority of the congregation, the present commissioners were empowered to conclude a definite settlement of the existing difficulties, if practicable.

Mr. Charles W. Beebe reported that at a meeting of the majority of the congregation, the commissioners were instructed to conclude no arrangement involving the dissolution of the present pastoral relations.

Mr. Ripley, in behalf of majority and minority commissioners, reported that no meeting was held on the evening of Nov. 24, owing to the unavoidable detention of one of the commissioners, and also that an informal meeting had just been held without any satisfactory result.

It being apparent that the Conference could not adjust existing difficulties, the several commissioners retired, and the committee entered upon examination of documents submitted until the hour for recess. Committee took recess until 7:30 P. M.

7:30 P. M.—The committee met in the parlors of Mr. Beebe's house. After much deliberation, and a very free and full exchange of views, the following resolutions were adopted:

Resolved, I. That a parish meeting of the congregation at Westfield be called "(in conjunction with the Session)" to meet in the church edifice on Monday, Nov. 30, at 4:30 P. M., in accordance with the direction of Presbytery.

II. That the sole purpose of such parish meeting is "to ascertain the sense of Westfield congregation as to the continuance of the present pastoral relation," and therefore the question submitted shall be in form as follows: Shall the present pastoral relation between the

Rev. Alexander McKelvey and the Westfield congregation be continued? The vote to be *Yes* or *No*.

III. That in determining who are voters reference be had to F. of G. Sec. 4, Chap. XV.

IV. That all *actual* pew-holders, whether subletting from another pew-holder or directly holding their seat from the Treasurer, are entitled to vote.

V. That there shall be no business transacted at such meeting except that specified in the resolutions of Presbytery appointing this committee, and referred to in Resolution 2 of these resolutions.

VI. That there shall be no discussion upon the question submitted to vote, inasmuch as all parties have been fully heard before the committee.

A communication was sent to the Session asking them to call a parish meeting, agreeable to suggestion of Presbytery and the desire of the committee.

The committee adjourned to meet in the Westfield church on Monday, Nov. 30, 4:30 o'clock P. M.

WESTFIELD, Nov. 30, 1874.

The committee met, according to adjournment, in the church at Westfield at 4:30 P. M.

Present—Ministers Roberts and Brown, Elders Shafer and Milliken. Absent—Bliss.

The Session of the church having called a parish meeting, as requested by the committee, and having invited Dr. Roberts to moderate the meeting, the congregation were present to vote upon the question of the continuance of the pastoral relation.

The vote was taken, and was as follows: 177 yeas, 93 nays, 2 blank.

A copy of the Minutes is herewith offered as a part of this Minute.

Chauncey B. Ripley, of minority, offered a Protest and Dissent, which is appended as part of this Minute.

Committee adjourned to meet in the study of Dr. Roberts on Friday, Dec. 4, at 2 P. M.

DR. ROBERTS' STUDY, Dec. 4, 1874.

The committee met, according to adjournment, at Dr. Roberts' study at 2 o'clock P. M., and was opened with prayer by Elder Shafer. 1

Present — Ministers Roberts, Bliss, Brown, Elders Shafer and Milliken. The Minutes of all the preceding meetings were read and approved; also the summary of statements made by the several commissioners before the committee, being the report of the committee to Presbytery, was approved.

Dr. Roberts and Elder Shafer were appointed a committee to answer the protest presented by Mr. Ripley.

Adjourned. 2

THEO. S. BROWN,
Clerk.

The above is a correct copy of the original, which is in my possession.

JOHN C. RANKIN,
Stated Clerk Presbytery of Elizabeth.

3

EXHIBIT O.

REPORT OF PRESBYTERIAL COMMITTEE OR COMMISSION.

Your committee, in addition to the Minutes of their several meetings, beg leave to report to Presbytery the facts in reference to the call and installation of Rev. Alexander McKelvey over the congregation at Westfield, and also the present state and condition of Westfield 4 congregation, in order that Presbytery may reach just

conclusions on the several points submitted to its decision. The first duty enjoined upon your committee was "to confer with the representatives of the majority
1 and minority of Westfield congregation"—such conference having as its ultimate end "the adjustment of existing difficulties." As stated in the Minutes, the committee met with representative commissioners of majority and minority, in the lecture-room at Westfield, on Thursday, Nov. 19, at 2 P. M.

The committee organized and adopted such rules as would prescribe some reasonable limit to the conference, and yet not prevent the utmost liberty of speech and completeness of statement. The several commissioners of majority and minority accepted these rules as entirely satisfactory. The committee at this point beg leave to
2 say that it was their purpose to encourage the most complete statement of all facts bearing upon the question before them. For the purpose of greater clearness, the committee will first state the points, pro and con, as to the call of Rev. Alexander McKelvey at parish meeting of June 11, 1874.

PARISH MEETING, June 11, 1874.

That this meeting was properly called and organized is conceded, but the minority claim that its proceedings
3 were irregular, and calculated to promote discord, and impair the best interests of the Church.

In proof of which they submit these points:

POINT I. That the Moderator refused the reading of the Minutes of the special parish meeting of January 28, 1874, and also of the annual meeting held on the first Monday in April, when the reading was called for.

4

POINT II. That the Rev. Alexander McKelvey could not properly be a candidate at the meeting of June 11, since a resolution was passed at parish meeting, January 28th, in words following:

Resolved, That these two candidates, viz., Rev. Alexander McKelvey and Rev. E. H. Camp, be discharged as candidates for the pastorate of this congregation.

It is further alleged that he was at no subsequent time brought before the congregation as a candidate by the Session. 1

Point III. That it was unjust to the minority to introduce his name at parish meeting June 11, when the minority did not introduce the name of Mr. Camp.

Point IV. That several illegal votes were cast at this parish meeting.

Point V. That after the vote was taken, showing a minority of 88 in a vote of 206, the Moderator used no sufficient endeavor to dissuade the congregation from prosecuting the call, as required by F. of G., Chap. XV., Sec. 5. 2

Reference is made to the Minutes of the meeting, and also to personal knowledge.

Point VI. The motion to make the call unanimous was made and seconded by the majority, whereas it should have been made by the minority. 3

Point VII. That the vote recorded as unanimous was not such, it being as follows: 119 *vs.* 57.

Point VIII. That after vote taken and declared, the Moderator refused to entertain a motion, "That we are not ready to elect a pastor,"—such motion being a reconsideration.

Point IX. That the ruling of the Moderator on the point who may vote on the question of salary was not according to F. of G., his ruling giving to all voters upon the call right to vote on the salary. 4

Point X. That no opportunity was given to the members of the congregation to express their views on the question of salary.

1

Point XI. That the parsonage was added to the salary without any vote of the congregation.

Point XII. It is in general charged that the proceedings of parish meeting, June 11, were irregular, conducted with undue haste, in disregard of the rights of the minority.

The Presbytery will remember that the points of the minority thus far presented refer exclusively to the parish meeting of June 11, 1874.

2

CONTRA.

POINTS OF MAJORITY.

Point I. The majority claim that the reading of the Minutes of no previous meeting was essential in this meeting of June 11—this being a special meeting, for a specified purpose, and having no necessary relation to previous meetings.

3

Point II. That the resolution of the meeting of Jan. 28, discharging Rev. Alexander McKelvey as a candidate for the pastorate of the Westfield congregation, was not unanimously adopted; and, further, that it was not of the nature of a compact which prohibited any possible candidacy of Mr. McKelvey at any time future—in proof of this, this so-called compact was not raised as an objection when his name was again introduced at joint meeting of elders and trustees held May 4.

4

And the majority further state that his name was not introduced for some months, and that no negotiations were had with him as to the pastorate until the meeting of elders and trustees May 4.

POINT III.—*April* 27. That at a meeting of the Session held April 27, his name was introduced and favorably received by several of the elders. 1

POINT IV.—*May* 4. That at a joint meeting of elders and trustees held May 4, at which were present seven elders and six trustees, the name of Mr. McKelvey was introduced, and a committee appointed to see him, and enquire if he was unengaged; and that this action was taken by a vote of 11 ayes—1 refusing to vote, and 1 temporarily absent.

POINT V.—*May* 8. That at a second joint meeting of 2
elders and trustees, held May 8, the committee reported Mr. McKelvey at leisure, but inasmuch as two elders were unfavorable, it was resolved to hear Rev. Mr. Crittenden, hoping that in him all wishes might be gratified. A committee was sent to confer with the Presbyterial Committee of Church Extension, and as result of such conference a meeting of Session was held on or about June 2, moderated by Dr. E. Kempshall, at which it was resolved to call a parish meeting for the election of a pastor. Seven of the elders agreed to acquiesce 3
in the result. One was silent, and two refused.

The majority further allege that at this meeting, when it was voted to call a parish meeting, Mr. McKelvey was before the Session as a candidate.

POINT VI. That after the vote was taken and declared, the Moderator did in spirit and intent conform to the requirements of F. of G., Chap. XV., Sec. 5, as witness Minutes of said meeting: "The Moderator ruled that a vote to make the call unanimous was the only way to find out how far the minority will yield, and how 4
far the majority will insist;" and further, that the majority did consider themselves as insisting upon their right, having at meeting of Jan. 28 waived that right.

Point VII. That several illegal votes were cast (not more than six), unintentionally, we believe, and also legal or otherwise as the rulings of the Moderator were
1 right or wrong. Of them, Mr. Camp received four, and Mr. McKelvey two.

Point VIII. That in regard to the rulings and other acts of the Moderator of the meeting of June 11, they rest upon the unanimous decision of the Presbytery at its meeting July 7.

Point IX. The majority does not admit that there was any violation of right or honor in bringing forward
2 the name of Alexander McKelvey at the parish meeting of June 11; that he received a decided majority of the votes cast; and that it was their right and duty to insist upon the prosecution of the call there given; and that they did prosecute such call, honestly seeking the best interests of Westfield congregation.

Thus far are given the points and statements made by minority and majority referring to parish meeting of June 11, and your committee believe this to be a fair
3 and impartial statement.

PRESBYTERIAL MEETING, JULY 7.

In the next place, your committee will submit for your information the points and statements as to the meeting of Presbytery held at Elizabeth, July 7:

Minute I. The Presbytery, at that meeting, had no jurisdiction in the case, the constitutional notice of ten days not having been given. Notice was received by
4 the Clerk of Session, July 2. It appears also that Moderator of Presbytery did send a notice to Westfield Session June 23, which, for some reason, did not come into their hands.—Presbyterial Digest, 178, Sec. 10.

II. The participation and votes of Dr. E. Kempshall vitiated the resolutions and all the judicial acts of the Presbytery, he having been Moderator of the Judicatory whose acts were under review.—Presbyterial Digest, 607, Sec. 7. 1

III. Presbytery passed upon at least nine points submitted, as a whole, whereas each should have been acted upon separately.

IV. Each and every point was decided adversely, whereas each and every point should have been decided favorably, and the election of Rev. Alexander McKelvey should have been declared unconstitutional. 2

V. Presbytery refused a stay of proceedings.

VI. The resolutions adopted were not warranted by the facts.

VII. Undue haste was shown in putting the call into the hands of Mr. McKelvey.

VIII. Mr. McKelvey was not a member of this or any other Presbytery when the call was put in his hands. And it is claimed, as a whole, of the meeting of Presbytery July 7, that it was irregular, unjust to the minority, and that its decision to put the call into the hands of Mr. McKelvey was highly inexpedient. 3

Majority.—The majority commissioners could hardly be expected to vindicate or defend Presbytery. They simply state that they appeared before Presbytery in the exercise of their constitutional right to prosecute the call which had been legally given Rev. Alexander McKelvey, and were well satisfied with proceedings of Presbytery in the case. 4

These points and statements, pro and con, are submitted as a part of the case to pass under the review of this Presbytery by direction of Synod.

PRESBYTERIAL MEETING, JULY 27.

It is further claimed by the minority that at Presby-
1 terial meeting July 27, the proceedings were irregular, unjust and *inexpedient.*

Irregular, in that it refused to stay proceedings pending the appeal taken to Synod as against the action of Presbytery July 7.

Unjust, in that it refused to receive and read a petition presented by the minority—said petition being received and referred to the next regular meeting of Presbytery, in this virtually denying the right of petition.

2

Inexpedient, in that Presbytery proceeded to install Rev. Alexander McKelvey by a majority of only one vote, and against the wishes of a large protesting minority.

The facts and statements thus far submitted bear wholly upon the question whether in the series of acts terminating in the installation of Rev. Alexander McKelvey over the congregation at Westfield, there were such irregularities or errors, either in the parish meeting or
3 Presbytery, as to invalidate such call and installation or any point thereof?

Your committee beg leave further to submit facts and statements relating to the wishes, and the present state and condition of Westfield congregation; also, some statistics which may bear upon the propriety of the installation.

1. The minority represent the relative strength of minority and majority to have been as follows in parish meeting June 11.

4

(*a*) Church strength:

Of the 206 votes cast at said meeting the analysis shows—

	MAJORITY.	MINORITY.
Members of Westfield church	73	72
Resident members of other churches	4	4
Number communicant pew-holders	38	15
	115	91

	MAJORITY.	MINORITY.
Of Christian families where united heads are church members	34	37
Wife only a member	15	15
Non-communicants	19	3
Totals	68	55

It is also claimed that, with a church roll of 238 members, there are only 190 active present members, and of them 109 signed the remonstrance addressed to Presbytery, July 7.

(*b*) Pecuniary strength :

The minority refer to the subscriptions made for the erection of the church in 1861, showing a ratio—majority, 1; minority, 3.48-100. Also to subscription for enlargement of lecture-room in 1873, showing a ratio of majority, 1 ; minority, 1.85-100.

Also to assessor's books for 1873, showing—

	MAJORITY.	MINORITY.
Taxable property	$136,330	$208,775

It is claimed that the pecuniary and church strength of the congregation is with or in the minority.

They further represent under this head the fact that the congregation will be seriously embarrassed in its finances. The exhibit is as follows :

Total rental and pews	$2,776
Less pews not taken and unpaid	776
Total income	$2,000

LIABILITIES.

	Pastor's salary first year	$2,000
1	Sexton's salary	200
	Coal and lights	200
	Repairs and incidentals	500
		$2,900
	Salary as per call additional	500
	Annual expenditure	$3,400

II. The minority submit a petition asking the dissolution of the pastoral relation, having upon it 67 names, 49 of which are heads of families—that said petitioners are sincere and honest, and hold their present position from the purest motives, without bitterness or ill feeling.

2

III. They ask you to consider a divided church, a divided Session, a divided Sabbath-school, a divided prayer-meeting, and even divided families. They do not admit that the alienation is being healed by the presence of Rev. Alex. McKelvey in their midst, but is rather increased and intensified. They see no probability of uniting at any future time in the present pastor.

3

They are irreconcilable.

They do not admit that any alleged prosperity in the church is due to Mr. McKelvey.

They do not ask for a pastor who would be obnoxious to others, and do not wish to be compelled to sustain a pastor whom they cannot respect and love, or be driven from the sanctuary where they love to worship.

4

They submit as their ultimatum "the dissolution of the present pastoral relation." With this they submit two propositions as follows :

1. That the pastoral relation be dissolved, and Rev. Alexander McKelvey (at discretion of Presbytery) continue as stated supply for a period of time not to exceed one year from June 11, 1874. 1

2. That the pastoral relation be dissolved and the congregation begin *de novo* to secure a pastor.

MAJORITY—*Contra.*

1. The majority present as conclusive evidence as to present feeling a petition asking for the continuance of the present pastoral relation, signed by 214 church members and pew-holders, voters in Westfield congregation. Of them 114 are heads of families. There are also 33 others who express themselves favorable, but decline to sign any paper. 2

2. They further state that their pecuniary strength corresponds with their numerical strength.

They refer to tax-list of taxes assessed this 1874, which shows as follows:

Taxes paid by majority.....	$5,274 50
Taxes paid by minority.....	2,076 61

3

Those favorable, but not signing, are omitted in this statement. If admitted, it would add over one hundred dollars to majority.

They submit this as a much more reliable exhibit of pecuniary strength than a subscription in 1861. Thirteen years works great changes in a village within eighteen miles of New York City.

They further state that for the current year the total pew-rents is $2,100, of which the minority pay one quarter. 4

They further state that there is no fear of financial embarrassment—that there is room largely to increase

the pew-rent without imposing heavy burdens — the present highest pew-rent being only $28.

1 3. The relative church strength at the present time is in the same ratio. Of the 237 active church members on the roll, the names of 150 appear in the petition offered.

Of non-communicant pew-holders all but fifteen have signed this petition.

4. They further represent that from the first hearing, the Rev. Alexander McKelvey had been the choice of the people—that at the meeting of January 28 the
2 majority waived their right to call Mr. McKelvey in the interest of peace and harmony—and that thereafter they honestly and sincerely strove, in common with the minority, to secure a pastor who might be universally acceptable. That again, in the joint meeting of elders and trustees, May 8, they waived their right to press the name of Mr. McKelvey in order that Mr. Crittenden might be heard.

They further assert that they entered into the parish meeting of June 11th, honestly intending to make the
3 election of Mr. Crittenden *unanimous*, should he receive a majority of votes cast, and they feel that they had a right to ask the same of the present minority.

They further declare that the remonstrance growing out of that meeting, and presented to Presbytery July 7, was against the rulings of said meeting, and not against Mr. McKelvey.

That thirty of the signers of that remonstrance have signed a revocation of the same.

That signatures were obtained on other issues than the acceptableness or otherwise of Rev. Mr. McKelvey,
4 and that it was used for other purposes than were contemplated by many of its signers.

They further represent that the present condition is one of prosperity; that the young and impenitent gen-

erally are decidedly interested in his preaching. Thirteen were received into the church at last communion; several are expected at the next communion; six young persons attended an inquiry meeting recently held at pastor's study. 1

The morning Sabbath congregation is increased twenty per cent. The evening congregation is increased fifty per cent. The prayer meeting is doubled in attendance.

We believe that Mr. McKelvey grows in general esteem, and secures for himself many friends.

His past ecclesiastical record is good, and we have most confident hopes of large blessings.

They further represent the evils of a dissolution as imminent and deplorable. They feel that they have exercised a forbearance and patience which has been misconstrued. They insist upon their constitutional rights in this case, and ask for nothing but a continuance of the pastoral relation. 2

In justice to themselves and to Mr. McKelvey they can submit voluntarily to no compromise.

Your committee submit this summary of fact, statement, and points, believing that it fairly represents the wishes and views of the minority and majority respectively. 3

We cannot throw into the scale the deep and intense feeling manifest—the longing desire for rest—for some permanent settlement of their existing difficulties. The whole discussion was conducted in a spirit of the utmost Christian kindness and courtesy, and the several commissioners, though representing such opposing views, and most decided and positive in maintaining, blended in the most delightful social intercourse. And when at the close of our second day's hearing, having given close attention to document and statement, we found all the commissioners responding so cordially to the suggestion of the committee that they should endeavor to adjust 4

their difficulties among themselves, we did venture to indulge the hope that our pleasant duty would simply be to report to this Presbytery "*the divisions* at West-
1 field are healed." In this hope we were disappointed. When again the committee came together on Friday, November 27, it was to learn that no adjustment was possible which would be mutually satisfactory. The committee were compelled, in obedience to their instructions, to call a parish meeting in conjunction with the Session, in order to ascertain the sense of the congregation as to the continuance of the present pastoral relation. The Session was requested to call a parish meeting on Monday, November 30, at 4:30 P. M., for the
2 sole purpose specified in the resolutions of Presbytery.

The committee, feeling assured that the fullest liberty of speech had been accorded to the chosen representatives of the majority and minority, and that the issue presented was one upon which all were prepared to vote, restricted the meeting to the simple act of voting without discussion.

This meeting was called by the Session, and due notice was given from the pulpit, and at hour and date mentioned was held. By invitation of the Session, Dr.
3 Roberts moderated the meeting.

The result was as follows:

Whole number of votes cast		272
Yeas	177	
Nays	93	
Blank	2	
		272

The committee beg leave to submit this additional fact, showing the relative strength of majority and mi-
4 nority.

Your committee submit this report of their proceedings, without any specific recommendations, leaving the whole question in the hands of Presbytery.

In conclusion, we are glad to say that in so grave and serious a difference of opinion as we find in the Westfield congregation, there is little, if any, bitterness of feeling or unkindness of expression. To your committee, individually and collectively, the utmost kindness and cordiality were constantly shown. 1

W. C. ROBERTS,
Chairman.

The above is a correct copy of the original, which is in my possession.

JOHN C. RANKIN,
Stated Clerk Presbytery of Elizabeth. 2

EXHIBIT P.

MINUTES OF CONGREGATIONAL MEETING NOVEMBER 30.

At a meeting of the congregation of Westfield church held November 30, 1874, for the purpose of voting upon the question, "Shall the pastoral relation of the Rev. Alex. McKelvey with the congregation of Westfield be continued?" 3

The meeting was called to order at 4:45 P. M., and opened with prayer by Rev. Dr. Roberts, Moderator. The call of this meeting was then read by the Moderator, and the question asked if it had been read from the pulpit the Sunday previous.

Answer—It had. 4

It was then moved and seconded that Charles A. Kinch and Joseph R. Connoly be elected clerks of this meeting. Carried.

It was moved and seconded that William W. Connoly,

James T. Pierson, F. A. Kinch, M. D., and F. R. Baker be elected tellers. Carried.

The committees to represent the majority and the
1 minority tendered their thanks to the Commission of the Presbytery for their kind, careful, and patient hearing of their case.

The Clerk of the Commission of the Presbytery then read from the Minutes of the Commission as follows :

Resolved, That a parish meeting be called in conjunction with the Session on Monday, Nov. 30, 1874, at 4:30 P. M., to be held in the church at Westfield.

Second, That the sole business before the parish meet-
2 ing be " To take the sense of the Westfield congregation as to the continuance of the pastoral relation between the Rev. Alexander McKelvey and the congregation of Westfield.

Third, The question to be propounded shall be this : " Shall the present pastoral relations between the Rev. Alexander McKelvey and this congregation be continued ?" To be answered by *Yes* or *No*.

Fourth, That no discussion be allowed, inasmuch as
3 the minority and the majority have been fully heard before the Commission of the Presbytery.

The Moderator then stated that we were ready to ballot, and gave the rules of voting as follows (see Form of Government, Chap. XV., Art. 4, last part) :

All church members and pew-holders, whether holding the pews in their own name or subletting them through friends, have a right to vote, without regard to age. The civil courts are governed by the rulings of the ecclesiastical courts.

Dr. F. A. Kinch asked if pew-holders in arrears were
4 entitled to vote. The Moderator answered, *Yes*.

Mr. Ripley then desired to read a dissent and protest, which the Moderator ruled out of order because the voting had commenced. Mr. Ripley then filed his dissent and protest. The vote was then taken by ballot, and

the names recorded. The result of the vote was as follows:

Whole number votes cast		272
Yes	177	
No	93	
Blank	2	
		272

While the votes were being counted the Moderator allowed Mr. Ripley to read the protest before the congregation, after which it was accepted by the Commission.

The vote was then announced by the Moderator as recorded, after which Mr. Brown offered prayer, and the people were dismissed with the benediction.

REV. WM. C. ROBERTS, D. D.,
Moderator.

JOSEPH R. CONNOLY, } *Clerks.*
CHARLES A. KINCH, }

The above is a correct copy of the original, which is in my possession.

JOHN C. RANKIN,
Stated Clerk Presbytery of Elizabeth.

EXHIBIT Q.

REPLY OF COMMISSIONERS TO PROTEST FILED NOVEMBER 30.

The Reply of the Commission of Presbytery appointed to adjust difficulties in the church of Westfield to the Protest of Chauncey B. Ripley, Esq., and others, against the action of that Committee, in taking the vote at the Parish Meeting without discussion.

(1.) The committee had no power given it by Presbytery to decide anything; nor regard the vote of the parish meeting of any further importance than as a

means of showing the committee the relative strength of the two parties. Had the representatives of the majority and minority agreed as to figures in their documentary evidence, the calling of the parish meeting
1 would have been wholly unnecessary for the purpose of the committee.

(2.) Such a rule was not contrary, as alleged, to the spirit and letter of Presbyterianism and Republicanism, for they are not democratic, but representative forms of government. The majority and minority were represented by their duly accredited commissioners, empowered to speak for them, and settle the cause of contention in their behalf. They were allowed to speak at length for their constituency and urge any argument they desired in favor of their cause.

2 (3.) It could not have been prejudicial to the interest of the minority. If the salary question had been discussed, there was no human probability that any one would have suggested the propriety of increasing it. If it was reduced by an act of the meeting, the presumption is that some of those who voted in the minority would have voted with the majority. Besides, if the salary question had been taken up and settled at the parish meeting, it would have looked inevitably toward the continuance of the pastoral relation, and in that way have slightly prejudiced the case.

3 (4.) It was not detrimental to the spiritual well-being of the church. It would have been disastrous to every interest to have allowed free discussions in that state of the congregation. No one would have been able to control the feelings and passions of the two parties so excited, and to some extent exasperated.

(5.) The freedom of speech was not suppressed, inasmuch as the two parties were heard *in extenso* for nearly three days through their representatives.

The parties themselves decided to present their case
4 through four commissioners on each side, and the committee of Presbytery cheerfully acceded to it. They

agreed, further, that all discussions should end after the committees had been fully heard.

(6.) The allowing of further discussion at the church would have been virtually reopening the case in violation of the solemn agreement entered into by all the parties concerned. 1

The above is a correct copy of the original, which is in my possession.

JOHN C. RANKIN,

Stated Clerk Presbytery of Elizabeth.

Accompanying the foregoing transcript, and in answer to an application for all papers in the matter,* the Stated Clerk writes as follows: 2

BASKING RIDGE, N. J., March 27, 1875.

C. B. Ripley, Esq.:

DEAR SIR,—I send the transcript herewith—trust you will find it legible. The originals are full of abbreviations, and the copyist, in writing them out in full, made some mistakes, which had to be corrected. This gives to some of the pages a disfigured appearance, but I trust you will excuse it. 3

I do not think there are any other papers in my possession which you will wish to embody in your manifesto.* In these there are thirty-four pages of legal foolscap, for which the charge is $3.50.

Trust the package will reach you safely, and be found satisfactory.

In haste, yours truly,

JOHN C. RANKIN.

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* The papers referred to commence with Exhibit M, page 75 above, and end with Exhibit P, page 105. Copies of a part of them were procured by Dr. Charles A. Kinch (see page 81 *ante*), and certificate of Dr. Rankin.

EXHIBIT R.

IN THE MATTER OF THE RECONSIDERATION OF THE CALLING AND INSTALLATION OF REV. ALEXANDER McKELVEY BEFORE THE COMMISSIONERS AT WESTFIELD, NOV. 19, 1874.

Points of J. T. Lawrence.

Condition of the Church. — Mr. McKelvey over-estimates the esteem in which he is held.—Impossibility of union under him.

2 The Committee of the Minority submit to your respected committee the accompanying table (see Exhibit A*), exhibiting the results of the pastoral work of Rev. E. B. Edgar in Westfield, from the year 1850 to 1873, by which it appears that his labors were signally blessed by divine favor, and that the church and congregation were left by him in a strong and vigorous condition both spiritually and materially.

When Rev. Mr. Edgar was settled over this church, Westfield was only a small hamlet, the church depend-
3 ing to a great degree on strictly a farming community, the nearest churches at that time, of the same denomination, being Rahway, four miles south; Plainfield, six miles west; and Elizabethtown, seven miles east. And the nearest other than Presbyterian was the Baptist church, three and one half miles west, at Scotch Plains. The Westfield society was composed mostly of those entertaining various religious views.

About the time Rev. Mr. Edgar's assuming the care of his parish, some disaffected members of his church left and organized (1851) the Presbyterian church at
4 Craneville (now Cranford), but notwithstanding that defection and the fact that soon afterwards the Methodist church was formed, and in course of time the Baptist

* Herein marked Exhibit RR, following this Exhibit as a foot note.

and Episcopal enterprises were started, the progress of the Presbyterian church was none the less marked, and showed a constant and healthy increase—the additions to the church membership for the twenty-three years, 1850 to 1873, being 284, an average yearly of 12 8-23 per cent., as against 1102 added the previous ninety years (1760 to 1850), a yearly average of 12 11-45 per cent., as the records of the church will show. 1

Although Rev. Mr. Edgar depended mainly on the influence of "the still small voice of the Spirit," and the additions of each communion season show a gradual yet healthy increase, still the revival of the year 1858 was more fruitful in increasing the church membership than for any one of the fifteen previous years, when the years 1843 and 1848 were noted revival years in the manual of the church. 2

During the year 1854 the new lecture-room was erected at a cost of $1,100. In the year 1861 the present beautiful and commodious church edifice was commenced and completed, and dedicated in March, 1862, at a cost of $12,000, the result to a large extent of the untiring and earnest efforts and Christian enterprise of the pastor.

In the year 1873, the long contemplated enlargement of the lecture-room for the better accommodation of the weekly meetings, and especially the Sabbath School, was an accomplished fact, for a long time a cherished scheme of Mr. Edgar. So that our late pastor has left us, after cementing very many endearing ties, with new, spacious, and commodious buildings for the worship of our common Lord and Master, and the advancement of his cause on earth, and what is particularly gratifying to all concerned, a church with large possessions entirely unincumbered by debt. 3 4

At Pluckamin, at the meeting of Presbytery on Oct. 7th, during the free conversation on the state of religion, Rev. Mr. McKelvey reported that he had been settled over the Westfield church about two months.

That the affairs were very encouraging, and that they were blessed with the goodness of God.

That they were more encouraging than he had anticipated.

That the audiences on the Sabbath were larger, and the prayer meetings incomparably increased, and that there was an interest manifested in them.

That the Sabbath School exercises were more largely attended.

Also stated that they had a delightful communion Sabbath, and received into the church at that time more than at any one season for twenty (20) years past, excepting on one occasion.

Then as to the financial condition, *that* he stated was prosperous. That he had enquired of the treasurer, who informed him that there was due and collectable $400 more than was necessary to meet the expenses on November 1st.

While manifestly we have very great reason for thankfulness to God for his watchful and providential care over us, in bestowing such a rich inheritance, and favoring us with so many evidences of his constantly abiding love, still many of us are unable to distinguish the reported encouraging state of affairs in our church, especially when we have ever in view before us a divided church, a divided Session, a divided Sabbath School, and want of union in the choir, composed mostly of members of our church, and all regular attendants, whose services are entirely voluntary, and when this discord is throughout the entire parish, entering into the sacred family relation, all in fact being disturbed and excited, because we have for our minister a man in whose support we cannot unite—to whom we cannot look up with that loving esteem and confidence and warm-hearted Christian fellowship which we are all accustomed to extend to the ministers of our blessed Lord, and particularly to the one to whom we always desire to go for guidance and consolation; who publicly stands out in

the position of having forced himself on many unwilling people—accepting a place which he knew was only obtained after many prolonged and excited debates and unwarrantable proceedings, which one of the high courts of our church has already decided deliberately as "irregular, and unduly hasty," and in disregard of the rights and privileges of a very large minority of the church over which he presides, and also "in disregarding their opinion;" and he stands now in the most sacred relation of a Christian minister, without that united respect and affection so much demanded by the relation of pastor and people. 1

Sabbath services are stated as larger. Mr. McKelvey made this statement when it is notoriously the most pleasant season of the entire year, and when all our country churches have undoubtedly the best attendance, during the early fall months. Many strangers are still enjoying the freshness of the country, and it is well known that the farming community are less busily engaged at that period, and are more inclined to regular attendance than at any other season of the year. But still we fail to notice any increase on the Sabbath services, as compared with the corresponding months of previous years. The people of Westfield are a Sabbath-observing and church-going community, and Presbyterians are never disposed to neglect such privileges. They love to follow in the footsteps of their fathers in divine and holy things, and this church of historic memory and interests is a spot we love to visit habitually, hence, perhaps, it is very natural for strangers to judge that things are more prosperous at this season of the year than they are in reality, and the same remarks will apply to the weekly meetings and the Sabbath School. 2 3

Concerning the statement made at Pluckamin about communion Sabbath: there having been added to the church at that time more than at any one season for twenty (20) years past except on one occasion; it is 4

well to state that Rev. Mr. Edgar had vacated the pastorate the previous November (1873), and that the first four communion Sabbaths of this year (1874) three of
1 them passed by without a single addition, and only in May one was received by examination and five by certificate. At the time mentioned by Mr. McKelvey thirteen (13) were received: three on confession of faith, one of them an old man who stated before the Session that he was converted seven years before; one a young lady who became converted last winter in the Methodist church, and wanted to unite there, but her mother would not consent; and the other was an invalid lady too feeble to attend church, and who is evidently near
2 her end. Of the ten (10) by certificate, one was the pastor's wife; three belonging to a family who have been ardent supporters of Mr. McKelvey all along, and six belonging to a public institution which was established in Westfield in 1873, and were waiting to connect themselves with the church on the settlement of a pastor.

Regarding the general statement made by Mr. McKelvey as to the prosperity, it is a well-established fact that there is wide-spread discontent and dissatisfaction,
3 and Mr. McKelvey does not appear to make any distinction between common politeness and distant courtesy, and that cheerful Christian sympathy and warm-hearted friendship and respect which we usually extend and manifest in welcoming ministers of the gospel, and particularly those beneath whose teachings we expect to sit.

He has mentioned individuals as having acted well towards him, and who are yielding to his support, who have all along been, and are now, strongly opposed to him.

4 It will be well to notice a few remarks which have been made by prominent members of the church and congregation as indicative of the state of feeling of many

who fail to see any reason why they should fall in with his supporters.

Immediately after coming out from the communion table last September one very prominent lady remarked: 1

"Is it not dreadful that all of us have to feel as we do about our pastor on such an occasion as this?"

Another has remarked, "Our house is divided on Mr. McKelvey. I don't like him at all. Get rid of him as quickly as you can."

Another has often said, "His preaching does not fill me, and I never can have that respect and esteem for him that I wish to entertain for my pastor."

The same lady's husband remarked, "Let him alone; 2 he will hang himself in a year."

One prominent in church and Sabbath School, and who has been for nine (9) years, remarked, after returning from the Friday evening prayer meeting:

"I have been to prayer meeting; it was conducted by Mr. McKelvey, and he did not please me—was commonplace and uninstructive. I want you (her husband) to write to Dr. Roberts and Dr. Kempshall, and explain to them how it is; and inform them of the situation of affairs, and endeavor to convince them of the true con- 3 dition of things in our church, and let them see the matter in its true light, and that we cannot prosper as the case now stands."

A mother of a large family stated, "I don't like him at all; his sermons appear cold and heartless."

A prominent gentleman, before the meeting of Synod —a teacher in the Sabbath School, and head of a large family—said: "I am looking anxiously forward to the Synod next week, to see if there is any justice or sympathy there."

A gentleman belonging to one of the oldest families 4 said, "Mr. McKelvey does not discriminate between being treated with common politeness and affection."

A prominent gentleman stated that "Mr. McKelvey

would not fill our pulpit acceptably; but, that to stop the clamor of certain people, he has got to remain with us a while."

1 Another gentleman said, "Is not the coming of Mr. McKelvey under the circumstances the coolest thing possible? I would treat him with very distant reserve."

The same individual urged the writer last winter to accept the situation, but has undergone a change of mind on the subject adversely.

One gentleman, also a member of the church and Sunday School, said, on coming out of the church on the afternoon of the day of installation:

"We have all eaten a good deal of dirt to-day; but
2 Mr. McKelvey has taken more than all of us."

When he (McKelvey) left the house after calling on a large family, the mother of the family remarked to him, "All of us belong to the minority."

One lady, when asked by him to bring her letter to our church, remarked: "I don't know how I will like you."

One gentleman remarked, "Mr. ———, I don't feel right when I attend prayer meetings, because I am conscious that you don't feel like attending and participat-
3 ing actively in the services."

Mr. McKelvey has been in the habit of going into the Sabbath School every Sabbath, and a good many have expressed a dislike because of his presuming so much to ingratiate himself in their good opinion of him.

One lady, the mother of one of our largest families, stated that Mr. McKelvey preached some good sermons, but that she could never like him, and that she had said when importuned to sign the majority paper, "that Mr. McKelvey ought not to have come to this charge."

Another lady, a teacher in the Sabbath School, who
4 signed the first remonstrance, but afterwards subscribed to the paper which Mr. Plumley attempted to read at Synod, when asked to sign the last minority paper, de-

clined, stating, however, "I don't like Mr. McKelvey, and never shall. He ought not to have come here, and should not remain now."

Another lady, also a teacher in the Sabbath School, said: "I signed the remonstrance in the first place, not understanding Presbyterian usage, thinking that it would be final, and that Presbytery would not let him come. I don't like him, and never will." 1

Another teacher remarked, "I dislike so much trouble in the church, and it would be better to let an acre of McKelveys go than to have it continued."

At Pluckamin the financial condition was stated as prosperous.

If all of the pews are rented, and the entire money collected, it brings about	$2,676	16
Seats not taken about	450	00
	$2,226	16
Bad debts, say	226	00
(See Exhibit B*) Income	$2,000	16

2

YEARLY EXPENSES.

Salary	$2,000	
Sexton	200	
Coal, lights, &c	200	
Incidentals	500	
	$2,900	
Additional salary	500	
Ordinary expenses	$3,400	

3

Nearly four (4) months have now expired, and no parish meeting called, when at the yearly parish meeting last April a motion was carried to rent the pews for three (3) months, in view of the probable election of a pastor at an increased salary. 4

* Exhibit B, annexed to Mr. Lawrence's Brief, showed the income to be as stated.

The relation of pastor and people is of too close and holy a nature to be slightly considered. Minorities have vested rights which they have perfect moral right to
1 claim respect for of majorities, and such rights have been disregarded by those of the majority of our church. A large minority have a clear right to have a minister whom they can love and respect. We do not ask for any man as minister who is obnoxious to others; but we demand it as a right that we have a minister whom we desire to call to our homes in times of adversity and sore trial, to attend our sick and dying, to cement the marriage vow, to baptize our children, to seek guidance of in the way of that higher life. We want the min-
2 ister we can love and admire, and whose wisdom we cannot question; but we may here ask how can you expect us to hold as near and dear to us one who has taken a position which not one in a thousand would accept.

The question has been asked of a clergyman, "On what condition would you take a call under such circumstances? The answer was, "On the one condition that I can have the power to work a miracle."

Another thing is to be remarked: the surrounding min-
3 isters, in the neighboring towns, have almost to a man sympathized with and acted for the minority, a fact which speaks volumes.

What can be the influence on the young when such things occur. It is known that on various occasions of late our former pastor, Rev. E. B. Edgar, has been importuned to come to Westfield and perform the marriage ceremony, to baptize children, and officiate at funerals; but out of consideration for Mr. McKelvey, he has declined to respond, showing commendable deference on his part.

4 (Signed), JOHN T. LAWRENCE.

EXHIBIT RR.

Number added to the Church at various Communions during Rev. E. B. Edgar's Pastorate.

	EX.	CER.	
1850	--	3	
1851	1	6	1
1852	2	2	
1853	11	4	
1854	2	4	
1855	1	5	
1856	3	1	
1857	2	3	
1858	44	4	
1859	2	10	
1860	1	7	
1861	2	12	
1862	4	4	
1863	9	8	
1864	3	4	
1865	--	1	
1866	5	13	
1867	7	12	
1868	1	8	2
1869	11	12	
1870	1	3	
1871	9	5	
1872	4	11	
1873	4	13	
1874	--	--	
Total	129	155	

Twenty-three years: Average, $12\frac{8}{23}$.
Additions, 1102, previous 90 years: Average, $12\frac{11}{45}$.

EXHIBIT S.

BRIEF OF JAS. O. CLARK. BEFORE THE COMMISSIONERS, NOV. 19, 1874. 3

I.—MR. McKELVEY'S MISREPRESENTATIONS.

1. *Mr. McKelvey before the Presbytery of Elizabeth, July 7th,* 1874.

It is known to some, if not to all the members of the commission, that the call was delivered into the hands of Mr. McKelvey by the Moderator of the Presbytery (Rev. Mr. Williamson) under the protest of Dr. Sheddan.

Mr. McKelvey was at that time asked if he would accept the call, and in reply said that he was not prepared to answer just then, but would take the matter into 4 consideration and would decide, and inform the Presbytery as soon as he conveniently could.

He then took his seat at the side of the desk facing the members of the Presbytery. Mr. Ripley then arose and gave notice to the Presbytery that the minority

would appeal from its action to the Synod of New Jersey, and asked for a stay of proceedings, which was denied.

From the action of the Synod, Mr. Ripley also said
1 that, if it were necessary, the minority would appeal to the General Assembly.

Mr. McKelvey sat directly in front of Mr. Ripley, and heard every word he said, and was then and there informed of our determined opposition.

2.

Also, the Rev. Mr. Bruen (senior), who was present during the whole of this meeting of Presbytery, and was therefore informed of the strength of the minority and the nature of the case, wrote a kindly letter to the
2 Rev. Mr. McKelvey just after the meeting, advising him as a brother and friend *not* to accept the call.*

3. *The Remonstrance* † (which was read).

Yet notwithstanding the delivery of the remonstrance into the Rev. Mr. McKelvey's hands by a messenger, our determined opposition in the cause, as represented by Mr. Ripley before the Presbytery meeting of July 7th, and the friendly letter of the Rev. Mr. Bruen (senior), the Rev. Mr. McKelvey did, on the evening of Friday,
3 July 10th, inform the session of our church that, after consultation with many members of the Presbytery who had advised him as to his action in the matter, he had decided to accept the call. But he now reports that he was not then aware of the opposition against him.

4. *Mr. McKelvey's remarks before the Presbytery at its meeting, held in Westfield, July 27th*, 1874.

To all the members of your committee, with perhaps one or two excepted, it is also known that Mr. McKelvey spoke in his own cause at the *pro re nata* meeting of
4 Presbytery, held in our church Monday, July 27th last, only an hour or so previous to the installation service.

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* See Letter of Rev. Mr. Bruen referring to this letter below, Ex. X, page 126.

† Exhibit G, pages 61 and 62, *ante*.

One of the members of the Presbytery, and also a large number of the members of the church and congregegation who were present at that time, inferred from his remarks that he was settled over a people and had a charge. 1

That, acting upon the faith of the Presbytery in permitting the commissioners of the Westfield church to give the call over into his hands, he had dissolved his relation with his people and was there ready to be installed.

Upon the Rev. Mr. McKelvey's representations alone this member voted to proceed with the installation service. He also further states that he has since learned that the Rev. Mr. McKelvey had no charge as pastor at the time of receiving the call from our church, and that 2 if he had known such to be the case at that meeting of Presbytery he would not have voted to proceed and install him.

5.

On the evening of the 4th of May, 1874, at the residence of Isaac H. Pierson, Esq., there was held a joint meeting of the session and trustees for the purpose of conferring and counseling together in regard to the interest of the church and congregation.

At this meeting a committee was appointed to see 3 the Rev. Mr. McKelvey and report at a second joint meeting. held May 8th following.

The committee reported that Mr. McKelvey would not accept a call if the session were divided upon the question.* The session was divided at that time and has been ever since.

Mr. McKelvey now says that he did not authorize the committee to make the above statement.

Now, one of two things must be true:—either he did so authorize this committee, and his acceptance of the 4 call was inconsistent and contradictory therewith, or else he so acted and represented that this committee very reasonably inferred that he would not accept the call

* See Exhibit U, page 123 below.

under such circumstances; for we do not think that this committee would represent or report anything except what he was informed or might infer.

1

II.—MR. McKELVEY INCREASES THE DISCORD IN OUR CHURCH AND CONGREGATION BY REMAINING AMONG US.

1. On or about October 6th, 1874, by appointment, Mr. McKelvey met elders Ephriam Clark and Joseph Cory at the residence of one Mrs. Prentiss, who is an invalid, to receive her into the church.

As they were coming out of the yard, the Rev. Mr. McKelvey said that he would like to have a little talk with them; and when they had reached a convenient
2 distance from the house, Mr. McKelvey, drawing a paper out of his pocket purporting to be the petition presented at the *pro re nata* meeting of Presbytery, held at Westfield July 27th, and, referring to the dislike mentioned in the petition,* charged them both with subscribing to a falsehood, and repeated it two or three times with warmth and emphasis during the conversation.

Mr. Ephriam Clark then made reply that he supposed
3 Mr. McKelvey would have informed himself as to the strength of the minority, and Mr. McKelvey answered that he did not want anybody to tell him what he ought to do, with considerable warmth, as though they were meddling with his business. Mr. McKelvey also said that minorities should submit, and that it was anti-republican to stand out against the majority.

Mr. Joseph Cory answered, "I believe you had one majority only of the members of the church, and that it requires a two-thirds vote to pass some of our laws."

Mr. McKelvey then replied that it did not in this
4 case, and if there had been but five majority in the whole vote, the minority should submit.

Mr. Cory answered if there was any place where we ought to have a two-thirds vote it was in the church.

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* See Petition, page 10 above.

Mr. McKelvey, speaking again of the bad effect of their names standing on the petition—that it stood to a falsehood—and finding that he could not get them to take their names from the petition, said, "then it is a plain, open fight." 1

At this point of the conversation, Mr. Clark started on his way home; and Mr. McKelvey, walking in an opposite direction with Mr. Cory, and speaking about the petition, said that it would not hold water.

2. Conversation with Mr. Joseph Cory about Dr. Kinch.

3. Mr. McKelvey's address and remarks before meeting of Presbytery November 9th, 1874.

As submitted by JAS. O. CLARK. 2

EXHIBIT T.

BRIEF OF CHAUNCEY B. RIPLEY.

IN THE MATTER OF THE RECONSIDERATION OF THE CALLING AND INSTALLATION OF REV. ALEXANDER McKELVEY—HEARING BEFORE THE COMMISSIONERS AT WESTFIELD, NOVEMBER 19, 1874.

Points of Chauncey B. Ripley. 3

I. Irregularity.
II. Injustice.
III. Inexpediency.

I. Irregularity.—The proceedings of the parish meeting, held June 11, were irregular, hasty, and unconstitutional. 4

1. The Minutes of the last parish meeting immediately preceding that of June 11 were not read.

The Minutes of the parish meeting of January 28, the last parish meeting relating to the calling of a pas-

tor, and to the calling of the candidate in nomination, were presented by Dr. Kinch on application of a member of the congregation, and the reading called for. The privilege of reading these Minutes was denied by Dr.
1 Kempshall, the Moderator, his ruling being, "It is not necessary."

Rules of General Assembly, No. XII., Pres. Dig., page 206. Minutes of Parish Meetings, Jan. 28 and June 11, Exhibits J and K, pp. 65—69.

The Minutes of the meeting of January 28 contained a compact, deliberately entered into by those who were in favor of Mr. McKelvey on the one hand, and those who were opposed to him on the other. It was an agreement on the part of the congregation, unanimously
2 entered into, that each should drop his candidate for the peace and welfare and unity of the church.

The friends of Mr. Camp and those opposed to Mr. McKelvey kept faith, and stood by their agreement of January 28, while the friends of Mr. McKelvey have violated it.

They violated it at the parish meeting of June 11, *and there the minority and majority of the Westfield church had their origin.* See Resolution, page 63.

Dr. Kempshall refused to allow these Minutes to be read, and the name of Alexander McKelvey was repro-
3 duced, in direct violation of the unanimous vote of the congregation.

And this was done in accordance with a prearrangement. Dr. Kempshall's Confession at Synod, his confession at Presbytery, July 7, and all his rulings show it, and the part he has taken in the case.*

This was irregular — for the reproduction of Mr. McKelvey as a candidate was inconsistent with resolutions passed January 28, page 63.

4

* See Exhibit U.

It was contrary to the spirit of the Rules of General Assembly.

It was unjust to the minority, who acted in entire good faith in not bringing forward Mr. Camp. 1

It was inexpedient, for such suppression of an argument was not likely to advance the interests of the church.

2. The Constitution of the Presbyterian Church was clearly violated by the Moderator, as shown in (1st point of) the Complaint.

See Appeal Roll, p. 52, Point, folio 3, Pres. Digest, 405, V.

This act was equally an act of injustice and highly inexpedient. 2

3. The motion to make unanimous proceeded from the majority.

The minority were averse. They stood by their agreement.

See (2d point) Appeal Roll, p. 54.

This act was irregular—it was un-Presbyterian.

The Presbyterian Church is not a church governed by majorities in the abstract, as in politics.

The government is more like family government—or like the control of partnerships, where every interest is supposed to be in common. 3

The majority have erred here.

Dr. Sheddan's course was regular, just, expedient. Dr. Kempshall's the reverse.

4. The vote to make unanimous did not show unanimity.

See p. 54, Point 3, Appeal Roll.

How far from unanimous was the vote?—72 ayes and 63 noes on the question of salary (p. 66, fol. 1, Appeal Roll).

Here were 208 parishioners, and only 72 in favor of the salary. 4

But Mr. McKelvey reduced his salary.* Why?

* Said he would make the trustees a present of $500 for the *first* year.

It is not Presbyterian to settle a pastor over a people where only 72 of 208 are satisfied with the salary.

This also was irregular, unjust, and inexpedient.

1 There is no way to correct it but to call another parish meeting.

Reducing salary for one year will not cure the error.

Mr. McKelvey's act is no reduction.

Case in South Jersey.*

5. The freedom of speech was suppressed.

And the Moderator gave notice that no appeal would lie from his rulings.

See p. 54, Point 4, Appeal Roll.

2 Rule General Assembly, No. XVIII., p. 206, Pres. Dig.

This ruling was unconstitutional, unjust, and inexpedient.

There is no church so illiberal, none so despotic, as to deny the freedom of speech upon questions clearly debatable.

It was the arbitrary law of the man, not of the Church.

Pres. Dig., p. 542.

3 6. The parsonage was added by direction of the Moderator, without a vote.

Dr. Kempshall made several orders in succession—and he refused to listen to Elder Baker's suggestion.

See p. 66, folios 1 and 2, Appeal Roll.

These acts were clearly illegal, unconstitutional, unjust, and indefensible.

They are nullities, and what was intended to be done was not done. The parsonage is undisposed of, and the time of payment has never been fixed.

4 7. Of illegal voting.—See brief of Dr. F. A. Kinch.

* Where the pastor said it was no matter, the people could pay what they could afford. After many years his executors sued and recovered full amount.

8. The Moderator refused to entertain a motion to reconsider.

See Appeal Roll, page 65 at foot.

1

It was eminently a proper case for reconsideration.

The ruling was unconstitutional, unjust, and inexpedient. It is an evidence of haste.

9. The freedom of speech is repeatedly denied.

Appeal Roll, page 66.

This is open to objection under every point of the brief.

10. Point 8 of the Appeal Roll (p. 56) indicates unfairness, haste, and irregularity.

2

Here end the points taken in the Complaint to Presbytery, July 7, 1874.

For errors, injustice, and inexpediency at 7th July meeting of Presbytery, see Appeal Roll, pp. 20 to 21, and Exhibits referred to, A, B, C, D and E.

For error, injustice, and inexpediency at 27th July meeting of Presbytery, see Complaint and Appeal of Dr. Sheddan,* and Petition of Ephraim Clark and others,† with Exhibit A, annexed; Minutes of Petition in Records of Pluckamin meeting of Presbytery.

3

CHAUNCEY B. RIPLEY,

For minority.

Dated Nov. 17, 1874.

EXHIBIT U.

CERTIFICATE CONCERNING ELDER I. H. PIERSON.

Mr. Isaac H. Pierson, an elder, is in the minority, though he has not signed the petition.

The following are the facts concerning him:

4

He pledged Dr. Kempshall that he would go with the majority before the election of Mr. McKelvey—

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* Pages 7, 8 and 9.

† Page 10, *et seq.*

Ephriam Clark, Joseph Cory, and Francis R. Baker, elders, being present at the house of Isaac H. Pierson at a sessional meeting at the time.

1 He has said to Mr. Ephriam Clark, in substance, that he signed the call to Mr. McKelvey simply because of his pledge to Dr. Kempshall. Elder Francis Baker and Elder Ephriam Clark remember distinctly that they refused, on Dr. Kempshall's solicitation at the same meeting, to pledge themselves to sustain Mr. McKelvey if elected by a majority.*

Elder Joseph Cory expressed himself in favor of Mr. Crittenden at the same meeting.

Elder Henry Baker was solicited at the same time by
2 Dr. Kempshall in the same direction, and answered, "My sentiments are the same as Ephriam Clark's."

Mr. Isaac H. Pierson's only reason, given to Henry Baker, elder, for signing the call, was his pledge to Dr. Kempshall at the sessional meeting before mentioned.

Elder Isaac H. Pierson has said, since the judgment of Synod, to Chauncey B. Ripley and to Dr. Chas. A. Kinch, that Synod did not go far enough—that the relation should have been dissolved.

To Francis R. Baker Mr. Isaac H. Pierson said, since
3 Synod: "There will never be harmony in the church till the relation is dissolved." He said Mr. McK. would never accept the call—before 7th July.

He was solicited by Elder Squier Pierson, before Synod met, to sign a paper in favor of Mr. McK. He refused, and said he would sign no paper—this was said to Dr. F. A. Kinch in a conversation concerning the petition annexed.

Mr. Isaac H. Pierson is with the minority in heart.

EPHRIAM CLARK,	CHAUNCEY B. RIPLEY,
HENRY BAKER,	CHARLES A. KINCH,
JOSEPH CORY,	F. A. BAKER,
4 F. R. BAKER.	

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* Dr. Kempshall's instructions to Session regarding the qualifications of voters was here also contrasted with his rulings at parish meeting. Witness Elders Henry Baker, Francis R. Baker and Joseph Cory.

EXHIBIT V.

DR. CRAVEN'S LETTER OF INTERPRETATION.

MANSE OF THE THIRD PRESBYTERIAN CHURCH,
No. 30 WALNUT STREET, NEWARK, N. J.,

Nov. 7th, 1874.

C. B. RIPLEY, ESQ.:

DEAR SIR: Your note of yesterday has just been received. You ask, "Is the judgment of Synod in the case of the complaint of Dr. Sheddan *also* the judgment in No. 3—the appeal? That is, does the phrase "sustain the complaint *and the* appeal" mean the complaint in No. 2 and the appeal in No. 3?

I answer, most certainly, *Yes.* * * * The Complaint No. 2 and the Appeal No. 3 were *both* sustained, and *each* for the entire set of reasons mentioned in the report of the committee.

I remain, yours most respectfully,

E. R. CRAVEN.*

EXHIBIT W.

PETITION OF HEADS OF FAMILIES, AND OTHERS.

The following petition was presented to the Presbyterial Commission in Nov., and signed by *forty-nine* heads of families, and many others, all members or pewholders, or both:

To the Presbytery of Elizabeth:

The undersigned are in favor of a dissolution of the pastoral relation between Rev. Alexander McKelvey and the Presbyterian Church of Westfield, N. J.

Dated, Nov. 10th, 1874. (Here follow names.)

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* Dr. Craven was one of the Committee on Minute at Synod.

EXHIBIT X.

LETTER OF REV. JAMES M. BRUEN,

(Referred to in Brief of JAMES O. CLARK, *ante*, page 116.)

IRVINGTON, N. J., July 23, '74.

DEAR SIR:

Your favor of the 21st reached me yesterday. I should be most happy to act with Dr. S. in the matter, but I have made arrangements to leave home, with my wife and son (pastor of Summit Central Pres.), on that day, while the moon is full, or nearly so, for the ocean, and written for rooms. I knew of the meeting, but determined *not* to attend, so *utterly* disapproving of the whole thing. I wrote to Brother McKelvey, knowing him so well and so long, stating why I voted *against* passing the call, and that I should have done the *same* had it been my *son* or *brother*.

I would suggest Rev. Mr. Ketcham, of Plainfield, or Rev. Mr. Peck, of Amboy, both of whom were equally decided with me to act with Dr. Sheddan.

I do hope and trust the brother may *not* be settled, but proceedings stayed. I am *sure* it is unwise and *wrong*. Praying for God's guidance and the Master's blessing for you, one and all, I am, yours truly,

JAS. M. BRUEN.

P. S.—My brother, Rev. E. B. Bruen, of Phila., was on at my house the other day, and he stated *cases* showing the *evil* of settling a man under the circumstances which this call presents.

EXHIBIT Y.

MRS. CLARK'S LETTER.

(Marked D.)

To the Presbytery of Elizabeth:

REVEREND AND DEAR SIRS: Pardon my seeming boldness in thus venturing to address so honorable and reverend a body; but the cause of our dear church is so near my heart that I cannot refrain from adding my voice to those who have already spoken.

God in His wisdom has sent a dark and heavy cloud over the prospects of our beloved Zion. If we continue to pour forth our prayers and entreaties to Him, He will scatter the storm that is impending over us, and make us once more the happy and united people we have been in years past.

For more than sixteen years have I been connected with this church. Many happy hours have been spent in laboring with others for its prosperity, and more holy ones passed in prayer and praise within the walls of this edifice, so dear to us all because each one lent a helping hand in rearing it.

Our former beloved pastor, Mr. Edgar, was with us in every work. To him we looked for counsel, sure of his sympathy. In all things, whether in labor, in sorrow, or in suffering, his prayers were always with us, and for us. It is our most earnest prayer that God will send us such another *pastor*—one whom we can esteem, respect, and love—who will indeed be our *father*, *counselor*, *and friend*.

The one that has been placed over us seems not like that to us. Is it right to continue him in such a sacred office, if we cannot ever respect and esteem him?

As a mother, whose greatest *desire* is to see her children brought in their youth to confirm the vows made

by their parents in their infancy, I beg that you will carefully and prayerfully consiner the interests of this church. Oh that God's blessing would once more rest upon us! His countenance is turned from us; and while we sit in the shadow, our hearts are filled with grief and heaviness. Our prayers, our hopes, our very lives are consecrated to the well-being of our church, and until we can see harmony restored, we can only sit by as mourners, and pray that God will send the light upon our pathway once more. To you, as ministers of the gospel, consecrated to the service of our divine Master, we appeal and look for redress in this matter; and may God our Father grant you His heavenly wisdom.

Reverently yours,

HANNAH M. CLARK.

WESTFIELD, Nov. 25th, 1874.

EXHIBIT YY.

TRUSTEES OF CHURCH REFUSE THE MINORITY ACCESS TO CHURCH BOOKS.

WESTFIELD, N. J., Monday, July 6th, 1874.

DR. F. A. KINCH:

DEAR SIR: I called on Mr. Orren Pierson last Saturday in relation to the inclosed list,* and asked the privilege of examining the pew account of the trustees, stating to Mr. Pierson that the object of my examination was to obtain proof for the Presbytery on Tuesday next. Mr. Pierson admitted that the books were in his possession, and that he had especial charge of pew rent-

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* LIST:—CHARLES H. FRENCH,
EDDIE E. FRENCH,
WILLIAM C. TERRY,
WILLIAM C. PIERSON,
RICHARD CANFIELD,
CORRA OSBORN,
JOHN H. LEVERIDGE,
JAMES MOFFETT.

ing on behalf of the trustees. The books he could not exhibit to me at that time, he said, as they were locked up in his feed-store (we were then standing on the side-walk, in front of the feed-store). He promised to submit the books to my inspection on Monday, at 7 a. m.

I called at his feed-store at 7 a. m. this day, and not finding Mr. Pierson in, but his store locked, drove to his residence, and asked for permission to inspect the books. Mr. Pierson answered that, except on the order of the trustees, he declined to grant my request. I stated that it would be impossible for me to visit all the trustees and ask permission, and inquired if the trustees had so ordered, or whether he declined my application on his own motion. He said he had seen two of the trustees, and they had so directed him to answer my application.

I afterwards saw Mr. Connolly, another trustee, who said he had no objections to my inspecting the books personally. I again saw Mr. Pierson, and reported. He answered that he declined, notwithstanding the report from Mr. Connolly.

I am informed Mr. Connolly is President of the Board of Trustees.

Very truly,

CHAUNCEY B. RIPLEY.

P. S.—I will add that I have furnished the majority with copies of our points, and given them all the information they desired as to our purpose and action. R.

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1

EXHIBIT Z.

PETITION OF MINORITY (TO GO DIRECT TO GENERAL ASSEMBLY), AND REASONS.

To the Presbytery of Elizabeth, N. J.:

The minority of the church and congregation of the Westfield Presbyterian Church, by their representatives
2 duly appointed, hereby respectfully petition and request your body to consent that our appeal, now pending, from your late action, to the Synod of New Jersey, be heard at the General Assembly in May next, by a committee or commission, to be appointed by the Assembly for that purpose.

We are advised by those who know the practice of the Assembly that cases are sometimes taken directly from Presbytery to Assembly, where good reasons for so doing are presented.

3 We submit the following as considerations which will probably have weight with you in disposing of this application:

Our case has been once before Synod, and the expression of that body was very decided. This was last October, and Synod do not meet again for several months.

Our case is one of acknowledged importance to all interested in Presbyterianism.

We have reason to believe that a second judgment of
4 Synod will be taken to the Assembly for review, and the church thus be kept in a disturbed state for many months to come.

The minority of the church and congregation, appellants, hereby tender their consent to go directly to the

General Assembly and abide by the decision of a commission, to be appointed by that body, as final.

We hereby ask Presbytery for a similar consent on their part. 1

Respectfully,

CHAUNCEY B. RIPLEY, JOHN T. LAWRENCE, DR. F. A. KINCH, JAS. O. CLARK. } *Committee of Minority.*

WESTFIELD, N. J., April 20th, 1875.

EXHIBIT ZZ.

REFUSAL OF PRESBYTERY. 2

BASKING RIDGE, N. J., April 28, 1875.

C. B. Ripley, Esq.:

DEAR SIR: The resolution offered in Pres., and lost, is transcribed on the other page. This is all the action taken in your case at our late meeting.

Presbytery is to meet in the lecture-room of the First Church, in the city of Elizabeth, on the 14th of June, at 10 A. M.

Yours respectfully,

JOHN C. RANKIN. 3

(*Page* 2 *of* DR. RANKIN'S *Letter.*)

The Moderator presented to Presbytery the following paper, which had been placed in his hands, viz. (your petition—which you have):

"*Moved*, That the request of the above petition be granted, and that Presbytery hereby expresses its consent that the case be taken directly to the General Assembly."

This motion was lost. 4

The above is a true extract from the Minutes of the Presbytery of Elizabeth, April 20th, 1875.

JOHN C. RANKIN,

Stated Clerk.

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